

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 ONE HUNDRED FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 17, 2008

The House of Representatives convened at 11:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Pastor John Darlington, Christ United Methodist Church, Rochester, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dill	Heidgerken	Liebling	Otremba	Smith
Anderson, B.	Dittrich	Hilstrom	Lieder	Ozment	Solberg
Anderson, S.	Dominguez	Hilty	Lillie	Paulsen	Swails
Anzelc	Doty	Holberg	Loeffler	Paymar	Thao
Atkins	Drazkowski	Hoppe	Madore	Pelowski	Thissen
Beard	Eastlund	Hornstein	Magnus	Peppin	Tillberry
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tingelstad
Berns	Emmer	Hosch	Mariani	Peterson, N.	Tschumper
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Urdahl
Bly	Erickson	Huntley	Masin	Poppe	Wagenius
Brod	Faust	Jaros	McFarlane	Rukavina	Walker
Brown	Finstad	Johnson	McNamara	Ruth	Ward
Brynaert	Fritz	Juhnke	Moe	Ruud	Wardlow
Buesgens	Gardner	Kahn	Morgan	Sailer	Welti
Bunn	Garofalo	Kalin	Morrow	Scalze	Westrom
Carlson	Gottwalt	Knuth	Mullery	Seifert	Winkler
Clark	Greiling	Koenen	Murphy, E.	Sertich	Wollschlager
Cornish	Gunther	Kohls	Murphy, M.	Severson	Zellers
Davnie	Hackbarth	Kranz	Nelson	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nornes	Simon	
DeLaForest	Hansen	Lanning	Norton	Simpson	
Demmer	Hausman	Lenczewski	Olin	Slawik	
Dettmer	Haws	Lesch	Olson	Slocum	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Loeffler moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 3069 and H. F. No. 3558, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Madore moved that the rules be so far suspended that S. F. No. 3069 be substituted for H. F. No. 3558 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 2996, A bill for an act relating to corrections; authorizing deferral of judgment for certain drug offenses; repealing the sunset on early release of nonviolent controlled substance offenders; requiring the commissioner of corrections to develop a marketing plan for MINNCOR industries; defining long-term homelessness to include persons released from incarceration for purposes of receiving supportive services; granting the Department of Corrections access to DEED preincarceration data on inmates; providing a tax credit to employers that employ persons with criminal records; requiring the commissioner of corrections to study re-entry facilities and programming; increasing funding for chemical and mental health treatment for inmates and probationers; creating a certificate of good conduct; establishing a working group to study and recommend approaches for developing a re-entry court pilot program; establishing a controlled substance law working group; requiring the commissioner of corrections to conduct an internal review of parole and supervised release procedures and sanctions; appropriating money; amending Minnesota Statutes 2006, sections 152.18, subdivision 1; 241.27, by adding a subdivision; 290.06, by adding a subdivision; 611A.06, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 364; repealing Minnesota Statutes 2006, section 244.055, subdivision 11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.851, is amended by adding a subdivision to read:

Subd. 9. **Civil commitment of sexual offenders.** Data relating to the preparation of a petition to commit an individual as a sexual psychopathic personality or sexually dangerous person is governed by section 253B.185, subdivision 1b.

Sec. 2. Minnesota Statutes 2006, section 253B.045, subdivision 1, is amended to read:

Subdivision 1. **Restriction.** Except when ordered by the court pursuant to a finding of necessity to protect the life of the proposed patient or others or as provided under subdivision 1a, no person subject to the provisions of this chapter shall be confined in a jail or correctional institution, except pursuant to chapter 242 or 244.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2006, section 253B.045, is amended by adding a subdivision to read:

Subd. 1a. **Exception.** A person who is being petitioned for commitment under section 253B.185 and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, may be confined at a Department of Corrections or a county correctional or detention facility, rather than a secure treatment facility, until a determination of the commitment petition as specified in this subdivision.

(a) A court may order that a person who is being petitioned for commitment under section 253B.185 be confined in a Department of Corrections facility pursuant to the judicial hold order under the following circumstances and conditions:

(1) The person is currently serving a sentence in a Department of Corrections facility and the court determines that the person has made a knowing and voluntary (i) waiver of the right to be held in a secure treatment facility and (ii) election to be held in a Department of Corrections facility. The order confining the person in the Department of Corrections facility shall remain in effect until the court vacates the order or the person's criminal sentence and conditional release term expire.

In no case may the person be held in a Department of Corrections facility pursuant only to this subdivision, and not pursuant to any separate correctional authority, for more than 210 days.

(2) A person who has elected to be confined in a Department of Corrections facility under this subdivision may revoke the election by filing a written notice of intent to revoke the election with the court and serving the notice upon the Department of Corrections and the county attorney. The court shall order the person transferred to a secure treatment facility within 15 days of the date that the notice of revocation was filed with the court, except that, if the person has additional time to serve in prison at the end of the 15-day period, the person shall not be transferred to a secure treatment facility until the person's prison term expires. After a person has revoked an election to remain in a Department of Corrections facility under this subdivision, the court may not adopt another election to remain in a Department of Corrections facility without the agreement of both parties and the Department of Corrections.

(3) Upon petition by the commissioner of corrections, after notice to the parties and opportunity for hearing and for good cause shown, the court may order that the person's place of confinement be changed from the Department of Corrections to a secure treatment facility.

(4) While at a Department of Corrections facility pursuant to this subdivision, the person shall remain subject to all rules and practices applicable to correctional inmates in the facility in which the person is placed including, but not limited to, the powers and duties of the commissioner of corrections under section 241.01, powers relating to use of force under section 243.52, and the right of the commissioner of corrections to determine the place of confinement in a prison, reformatory, or other facility.

(5) A person may not be confined in a Department of Corrections facility under this provision beyond the end of the person's executed sentence or the end of any applicable conditional release period, whichever is later. If a person confined in a Department of Corrections facility pursuant to this provision reaches the person's supervised release date and is subject to a period of conditional release, the period of conditional release shall commence on the supervised release date even though the person remains in the Department of Corrections facility pursuant to this provision. At the end of the later of the executed sentence or any applicable conditional release period, the person shall be transferred to a secure treatment facility.

(6) Nothing in this section may be construed to establish a right of an inmate in a state correctional facility to participate in sex offender treatment. This section must be construed in a manner consistent with the provisions of section 244.03.

(b) The committing county may offer a person who is being petitioned for commitment under section 253B.185 and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, the option to be held in a county correctional or detention facility rather than a secure treatment facility, under such terms as may be agreed to by the county, the commitment petitioner, and the commitment respondent. If a person makes such an election under this paragraph, the court hold order shall specify the terms of the agreement, including the conditions for revoking the election.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2006, section 253B.045, subdivision 2, is amended to read:

Subd. 2. **Facilities.** Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the temporary confinement is provided at a regional treatment center, the commissioner shall charge the county of financial responsibility for the costs of confinement of persons hospitalized under section 253B.05, subdivisions 1 and 2, and section 253B.07, subdivision 2b, except that the commissioner shall bill the responsible health plan first. If the person has health plan coverage, but the hospitalization does not meet the criteria in subdivision 6 or section 62M.07, 62Q.53, or 62Q.535, the county is responsible. When a person is temporarily confined in a Department of Corrections facility solely under subdivision 1a, and not based on any separate correctional authority: (1) the commissioner of corrections may charge the county of financial responsibility for the costs of confinement; and (2) the Department of Human Services shall use existing appropriations to fund all remaining nonconfinement costs. The funds received by the commissioner for the confinement and nonconfinement costs are appropriated to the department for these purposes. "County of financial responsibility" means the county in which the person resides at the time of confinement or, if the person has no residence in this state, the county which initiated the confinement. The charge for confinement in a facility operated by the commissioner of human services shall be based on the commissioner's determination of the cost of care pursuant to section 246.50, subdivision 5. When there is a dispute as to which county is the county of financial responsibility, the county charged for the costs of confinement shall pay for them pending final determination of the dispute over financial responsibility. Disputes about the county of financial responsibility shall be submitted to the commissioner to be settled in the manner prescribed in section 256G.09.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b, is amended to read:

Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291 to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235, subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13 or other state law, prior to filing a petition for commitment as a sexual psychopathic personality or as a sexually dangerous person, and upon notice to the proposed patient, the county attorney or the county attorney's designee may move the court for an order granting access to any records or data, to the extent it relates to the proposed patient, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition.

The court may grant the motion if: (1) the Department of Corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person; or (2) upon a showing that the requested category of data or records may be relevant to the determination by the county attorney or designee. The court shall decide a motion under this subdivision within 48 hours after a hearing on the motion. Notice to the proposed patient need not be given upon a showing that such notice may result in harm or harassment of interested persons or potential witnesses. Notwithstanding any provision of chapter 13 or other state law, a county attorney considering the civil commitment of a person under this section may obtain records and data from the Department of Corrections or any probation or parole agency in this state upon request, without a court order, for the purpose of determining whether good cause

exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition. At the time of the request for the records, the county attorney shall provide notice of the request to the person who is the subject of the records.

Data collected pursuant to this subdivision shall retain their original status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2006, section 253B.185, subdivision 5, is amended to read:

Subd. 5. **Financial responsibility.** (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50 and also includes a Department of Corrections facility when the proposed patient is confined in such a facility pursuant to section 253B.045, subdivision 1a.

(b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary, when a petition is filed for commitment under this section pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision to read:

Subd. 10. **Veterans mental health status.** If a defendant convicted of a crime is currently serving in the military or is a veteran and has been diagnosed by a qualified psychiatrist or clinical psychologist or physician with a mental illness, the court may:

(1) order that the officer preparing the report under subdivision 1 consult with the United States Department of Veterans Affairs, Minnesota Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the defendant including federal, state, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

Sec. 8. **WORKING GROUP ON CONTROLLED SUBSTANCE LAWS; REPORT TO LEGISLATURE.**

Subdivision 1. **Establishment; membership; staff.** (a) By July 1, 2008, the chair of the house Public Safety Finance Division and the chair of the senate Public Safety Budget Division shall jointly appoint a working group on the state's controlled substance laws. The working group shall include:

(1) two representatives of the Minnesota County Attorneys Association;

(2) two representatives of the Board of Public Defense;

(3) three representatives of state law enforcement associations, including one sheriff, one chief of police, and one member of the Minnesota Police and Peace Officers Association;

(4) two representatives of the Judicial Council;

(5) one representative from community corrections or probation;

(6) one expert in the fields of drug treatment and controlled substance laws;

(7) one individual who is not affiliated with any of the associations in clauses (1) to (6) and who has relevant experience related to sentencing policy or the criminal justice field; and

(8) four community members who reside in areas adversely affected by controlled substance crimes and violent crimes, two of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. One of the community members appointed by the senate must be a member of a community crime prevention organization. Of the community members appointed by the senate, one must reside in Minneapolis and one must reside in outstate Minnesota. Of the community members appointed by the house, one must reside in St. Paul and one must reside in a suburb of Minneapolis or St. Paul.

(b) Before making the appointments required under paragraph (a), the legislative appointing authorities must consider the recommendations of the chairs and ranking minority members of the committees and divisions in their respective legislative body with jurisdiction over criminal justice and policy funding.

(c) The appointments under paragraph (a) must be completed by July 1, 2008. Staff support for the working group shall be provided by the Sentencing Guidelines Commission. The executive director of the Sentencing Guidelines Commission or the executive director's designee shall convene the first meeting of the working group. The working group shall elect its chair from its membership at the first meeting.

Subd. 2. **Subject matter.** (a) The working group must review, assess, and make specific recommendations regarding the following alternatives for modification and application of Minnesota's controlled substance laws:

(1) revising the threshold amounts for Minnesota's controlled substance crimes;

(2) establishing a separate sentencing guidelines grid for drug offenses;

(3) establishing additional aggravating factors so as to target certain particularly dangerous offenders;

(4) revising the criminal history point calculations for repeat drug offenders;

(5) maximizing the use of deferred prosecutions for low-level drug offenders under Minnesota Statutes, section 152.18 throughout the state; and

(6) increasing the use of the early release program for nonviolent controlled substance offenders who successfully complete drug treatment while incarcerated as provided in Minnesota Statutes, section 244.055.

(b) As part of its review of the various possible reforms, the working group may also study and consider:

(1) the significance, if any, of current rates of departure from presumptive guidelines sentences for controlled substance crimes;

(2) the significance, if any, of current rates of departure from presumptive guidelines sentences for controlled substance crimes for identifiable categories of offenders;

(3) the impact that recent United States Supreme Court criminal sentencing decisions have on implementing further reform;

(4) the barriers to comparing Minnesota's sentencing data with data from other states;

(5) strategies for imposing probation and supervised release violations on drug offenders;

(6) strategies for increasing the efficacy of programs that are now available to treat drug offenders;

(7) the likely impact of any recommended change in policy upon victims of drug-related crimes and the neighborhoods in which these crimes occur;

(8) the likely impact of any recommended change in policy upon the efficacy of law enforcement, prosecution, public defender, or court personnel; or

(9) any other sentencing-related matter that the working group sees fit to consider.

Subd. 3. **Report to legislature.** The working group shall report its findings and recommendations to the chair of the house Public Safety Finance Division and the chair of the senate Public Safety Budget Division by January 16, 2009.

EFFECTIVE DATE. This section is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public safety; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data by county attorneys on persons facing civil commitment; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 609.115, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3292, A bill for an act relating to education; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing a report; amending Minnesota Statutes 2006, sections 84.027, by adding a subdivision; 127A.30.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 16A.06, is amended by adding a subdivision to read:

Subd. 10. **Permanent school fund reporting.** The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the permanent school trust fund that shows how the commissioner maximized the long-term economic return of the permanent school trust fund.

Sec. 2. Minnesota Statutes 2006, section 84.027, is amended by adding a subdivision to read:

Subd. 18. **Permanent school fund authority; reporting.** The commissioner of natural resources has the authority and responsibility for the administration of school trust lands under sections 92.121 and 127A.31. The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals:

(1) manage the school trust lands efficiently;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles.

Sec. 3. Minnesota Statutes 2006, section 127A.30, is amended to read:

127A.30 PERMANENT SCHOOL FUND ADVISORY COMMITTEE.

Subdivision 1. **Membership.** A state Permanent School Fund Advisory Committee is established to advise the Department of Natural Resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee must consist of the following persons or their designees: the chairs of the education committees of the legislature, the chairs of the legislative committees with jurisdiction over the K-12 education budget, the chairs of the legislative committees with jurisdiction over the environment and natural resources, the ~~chairs~~ chair of the senate Committee on Finance and the chair of the house Committee on Ways and Means, the commissioner of education, one superintendent from a nonmetropolitan district, ~~and~~ one superintendent from a metropolitan area district, one person with an expertise in forestry, one person with an expertise in minerals and mining, one person with an expertise in real estate development, one person with an expertise in renewable energy, one person with an expertise in finance and land management, and one person with an expertise in natural resource conservation. The school district superintendents shall be appointed by the commissioner of education. The committee members with areas of expertise in forestry, minerals and mining, real estate development, renewable energy, finance and land management, and natural resource conservation shall be appointed by the commissioner of natural resources. Members of the legislature shall be given the opportunity to recommend candidates for vacancies on the committee to the commissioners of education and natural resources. The advisory committee must also include a nonvoting member appointed by the commissioner of natural resources. The commissioner of natural resources shall provide administrative support to the committee. The members of the committee shall serve without compensation. The members of the Permanent School Fund Advisory Committee shall elect their chairperson and are bound by the provisions of sections 43A.38 and 116P.09, subdivision 6.

Subd. 2. Duties. The advisory committee shall review the policies of the Department of Natural Resources and current statutes on management of school trust fund lands at least ~~semiannually~~ annually and shall recommend necessary changes in statutes, policy, and implementation in order to ensure provident utilization of the permanent school fund lands. By January 15 of each year, the advisory committee shall submit a report to the legislature with recommendations for the management of school trust lands to secure long-term economic return for the permanent school fund, consistent with sections 92.121 and 127A.31. The committee's annual report may include recommendations to:

(1) manage the school trust lands efficiently;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles.

Subd. 3. Duration. Notwithstanding section 15.059, subdivision 5, the advisory committee is permanent and does not expire."

Delete the title and insert:

"A bill for an act relating to education; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing a report; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 127A.30."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3625, A bill for an act relating to natural resources; providing for disposition of proceeds from sale of administrative sites; appropriating money; amending Minnesota Statutes 2006, sections 84.0857; 94.16, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 84.0857, is amended to read:

84.0857 FACILITIES MANAGEMENT ACCOUNT.

(a) The commissioner of natural resources may bill organizational units within the Department of Natural Resources for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance,

utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

(b) Money deposited in the special account from the proceeds of a sale under section 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

Sec. 2. Minnesota Statutes 2006, section 84.0875, is amended to read:

84.0875 ENVIRONMENTAL LEARNING CENTERS.

(a) The commissioner may acquire and better, or make grants to counties, home rule charter or statutory cities, or school districts to acquire and better, residential environmental learning centers where students may learn how to use, preserve, and renew the natural resources of this state. A facility and reasonable access to it must be owned by the state or a political subdivision but may be leased to or managed by a nonprofit organization to carry out an environmental learning program established by the commissioner. The lease or management agreement must comply with the requirements of section 16A.695 and must provide for the procurement of liability insurance by the nonprofit organization. A nonprofit organization that is operating an environmental learning center under this section is a municipality for purposes of the liability limitations of section 466.04 while acting within the scope of these activities.

(b) During the time the center is used for educational programs offered in conjunction with a college or university, the rules and standards related to space requirements are governed by section 144.74.

Sec. 3. Minnesota Statutes 2006, section 94.16, subdivision 3, is amended to read:

Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in paragraph (b), the remainder of the proceeds from the sale of lands that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account in the natural resources fund.

(b) The remainder of the proceeds from the sale of administrative sites under the control and supervision of the commissioner of natural resources shall be credited to the facilities management account established under section 84.0857 and used to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

Sec. 4. **[103G.252] ADMINISTRATIVE PENALTY ORDERS.**

The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of chapters 84, 103F, and 103G, rules, orders, agreements, settlements, licenses, registrations, or permits for activities affecting the course, current, or cross-section of public waters, appropriation or diversion of waters of the state, or harvest, control, or destruction of aquatic plants. The commissioner must follow the procedures in section 103G.253 when issuing an administrative penalty order. The maximum monetary amount of an administrative penalty order is \$10,000 for each violator for all violations by that violator identified in an inspection or review of compliance.

Sec. 5. **[103G.253] ADMINISTRATIVE PENALTY ORDER PROCEDURE.**

Subdivision 1. **Contents of order.** An order assessing an administrative penalty under section 103G.252 must include:

(1) a concise statement of the facts alleged to constitute a violation;

(2) a reference to the law, rule, order, agreement, settlement, license, registration, or permit that has been violated;

(3) a statement of the corrective order and the amount of the administrative penalty to be imposed and the factors upon which it is based; and

(4) a statement of the person's right to review the order.

Subd. 2. **Amount of penalty; considerations.** (a) In determining the amount or requirements of a penalty under section 103G.252, the commissioner may consider:

(1) the willfulness of the violation;

(2) the gravity of the violation, including damage to humans, animals, air, water, land, forests, or other natural resources of the state;

(3) the history of past violations;

(4) the number of violations;

(5) the economic benefit gained by the person by allowing or committing the violation; and

(6) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(b) For a second or subsequent violation, the commissioner shall, in determining the amount or requirements of a penalty, consider:

(1) the factors in paragraph (a);

(2) the similarity of the most recent previous violation and the violation to be penalized;

(3) the time elapsed since the last violation;

(4) the number of previous violations; and

(5) the response of the person to the most recent previous violation identified.

Subd. 3. **Corrective order.** (a) The commissioner may issue an order requiring the violations cited in the order to be corrected within the time period specified in the order. Corrective orders may require repair, restoration, replacement, and monetary restitution as determined by the commissioner.

(b) The person to whom the order was issued shall provide information to the commissioner before the 31st day after the order was received demonstrating that the violation has been corrected or that the person has developed a corrective plan. The commissioner shall determine whether the violation has been corrected or whether the corrective plan is acceptable and notify the person to whom the order was issued of the commissioner's determination.

Subd. 4. **Penalty.** (a) Except as provided in paragraph (c), if the commissioner determines that the violation has been corrected or the person to whom the order was issued has developed a corrective plan acceptable to the commissioner, the monetary penalty may be forgiven in whole or in part.

(b) Unless the person requests review of the order under subdivision 5 before the monetary penalty is due, the penalty in the order is due and payable on the 31st day after the order was received.

(c) For repeated or serious violations, the commissioner may issue an order with a monetary penalty that shall not be forgiven after the corrective action is taken.

(d) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received.

Subd. 5. **Expedited administrative hearing.** (a) Within 30 days after receiving an order, the person to whom the order was issued may request an expedited hearing, using the procedures adopted under section 14.51, to review the commissioner's action. The hearing request must specifically state the reasons for seeking review of the order. The person to whom the order was issued and the commissioner are the parties to the expedited hearing. The commissioner must notify the person to whom the order was issued of the time and place of the hearing at least 15 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing shall be conducted according to rules adopted under section 14.51, as modified by this subdivision. The Office of Administrative Hearings may, in consultation with the commissioner of natural resources, adopt rules specifically applicable to cases under this section.

(c) The administrative law judge shall issue a report making recommendations about the commissioner's action to the commissioner within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty or corrective order unless the administrative law judge determines that, based on the factors in subdivision 2, the monetary penalty or corrective order is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the penalty the costs charged to the Department of Natural Resources by the Office of Administrative Hearings for the hearing.

(e) If the administrative law judge issues a report that recommends dismissal of the order assessing the administrative penalty, the commissioner must refund the costs charged to the person receiving the order by the Office of Administrative Hearings for the hearing and reasonable and necessary attorney fees incurred for the hearing. For purposes of this paragraph, the administrative law judge may recommend attorney fees to be refunded, not to exceed the amount of the penalty order.

(f) If a hearing has been held, the commissioner may not issue a final order until at least five days after receipt of the report of the administrative law judge. The person to whom the order was issued may, within those five days, comment to the commissioner on the recommendations and the commissioner must consider the comments. The final order may be appealed according to sections 14.63 to 14.69

(g) If a hearing has been held and a final order issued by the commissioner, the penalty must be paid within 30 days after the date the final order is received and the corrective action must be completed within the time period specified by the final order, unless review of the final order is requested under sections 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from 31 days after the original order was received at the rate established in section 549.09.

Subd. 6. **Alternative dispute resolution.** In addition to review under subdivision 5, the commissioner may enter into mediation or other alternative dispute resolution concerning an order issued under this section if the commissioner and the person to whom the order was issued both agree to mediation or other alternative dispute resolution.

Subd. 7. **Enforcement.** (a) The attorney general may proceed on behalf of the state to enforce penalties that are due and payable under this section in any manner provided by law for the collection of debts.

(b) The attorney general may petition the district court to file the administrative order as an order of the court. At any court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.

(c) If a person fails to pay the penalty or comply with a corrective order, the attorney general may bring a civil action in district court seeking payment of the penalties, injunctive relief, or other appropriate relief including monetary damages, attorney fees, costs, and interest.

Subd. 8. **Revocation and suspension of permit, license, or registration.** If a person fails to pay a penalty owed under this section, the commissioner may revoke or refuse to reissue or renew the related permit, license, or registration issued by the commissioner.

Subd. 9. **Cumulative remedy.** The authority of the commissioner to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law, except that the state may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

Sec. 6. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, the Pine Grove Zoo in Little Falls, and the Duluth Zoo. Zoos not currently accredited by the American Zoological Association may expend funds under this paragraph only for purposes that will assist the zoo to obtain accreditation.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

Sec. 7. **IMPLEMENTATION PLAN; RULEMAKING EXEMPTION.**

The commissioner of natural resources shall prepare a plan to implement the administrative penalty order according to Minnesota Statutes, sections 103G.252 to 103G.254. The commissioner shall provide a 30-day period for public comment on the plan. The plan must be finalized by December 31, 2008.

Sec. 8. **CLOQUET AREA FORESTRY OFFICE.**

If the commissioner of natural resources relocates or closes the northeast regional forestry office that is currently located in the city of Cloquet, the commissioner shall relocate the office to a location within a ten-mile radius of the city of Cloquet."

Delete the title and insert:

"A bill for an act relating to natural resources; providing for disposition of proceeds from sale of administrative sites; providing for administrative penalty orders; modifying environmental learning center provisions; providing funding for the Pine Grove Zoo; providing for relocation of certain regional forestry office; appropriating money; amending Minnesota Statutes 2006, sections 84.0857; 84.0875; 94.16, subdivision 3; 297A.94; proposing coding for new law in Minnesota Statutes, chapter 103G."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 3576, A bill for an act relating to natural resources; providing for viral hemorrhagic septicemia control; authorizing rulemaking; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4992, subdivision 2; 17.4993; 84D.03, subdivision 4; 97A.015, by adding a subdivision; 97C.203; 97C.205; 97C.341; 97C.391, by adding a subdivision; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; repealing Minnesota Statutes 2006, section 97C.515, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 3069 and 3576 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark introduced:

H. F. No. 4202, A bill for an act relating to transportation; prohibiting towing of vehicles having a disability plate or certificate; amending Minnesota Statutes 2006, sections 168B.04, by adding a subdivision; 169.041, subdivision 5.

The bill was read for the first time and referred to the Transportation Finance Division.

Lesch and Paymar introduced:

H. F. No. 4203, A bill for an act relating to the city of St. Paul; amending the local law relating to capital improvement bonds; amending Laws 1971, chapter 773, sections 1, subdivision 2, as amended; 4, as amended.

The bill was read for the first time and referred to the Committee on Finance.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3698.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3698, A bill for an act relating to energy; allowing utilities to make conservation improvement expenditures for certain solar energy projects; amending Minnesota Statutes 2006, section 216B.2411, subdivision 2; Minnesota Statutes 2007 Supplement, sections 216B.241, by adding a subdivision; 216B.2411, subdivision 1.

The bill was read for the first time.

Sailer moved that S. F. No. 3698 and H. F. No. 3857, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Paulsen was excused between the hours of 11:35 a.m. and 2:30 p.m.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, April 17, 2008:

S. F. Nos. 2564, 3563, 3227, 3446, 2796, 3166, 3674, 2597 and 3139; H. F. No. 3332; S. F. Nos. 3214, 3154, 3342, 3303, 3372, 2403, 2876 and 3364; H. F. No. 3367; and S. F. No. 2939.

CALENDAR FOR THE DAY

S. F. No. 599, A resolution urging the President and Congress to end trade, financial, and travel restrictions to Cuba.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 86 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hornstein	Lillie	Otremba	Thissen
Anzelc	Doty	Hortman	Loeffler	Ozment	Tillberry
Atkins	Eken	Howes	Madore	Paymar	Tschumper
Beard	Erhardt	Huntley	Magnus	Peterson, A.	Wagenius
Benson	Faust	Jaros	Mahoney	Peterson, N.	Walker
Berns	Fritz	Johnson	Mariani	Peterson, S.	Ward
Bigham	Gardner	Juhnke	Marquart	Rukavina	Wardlow
Bly	Greiling	Kahn	Masin	Ruud	Welti
Brynaert	Gunther	Kalin	Moe	Sailer	Westrom
Carlson	Hamilton	Knuth	Morrow	Scalze	Winkler
Clark	Hansen	Koenen	Mullery	Sertich	Spk. Kelliher
Davnie	Hausman	Kranz	Murphy, E.	Slawik	
DeLaForest	Heidgerken	Laine	Murphy, M.	Slocum	
Dill	Hilstrom	Lesch	Nelson	Solberg	
Dittrich	Hilty	Lieder	Olin	Thao	

Those who voted in the negative were:

Buesgens	Erickson	Hoppe	Peppin	Smith
Cornish	Hackbarth	Olson	Seifert	

The bill was passed and its title agreed to.

S. F. No. 3674 was reported to the House.

Olin and Berns moved to amend S. F. No. 3674, the first engrossment, as follows:

Page 2, after line 7, insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 16B.326, is amended to read:

16B.326 HEATING AND COOLING SYSTEMS; STATE-FUNDED BUILDINGS.

The commissioner must review ~~and study~~ project proposer's study for geothermal and solar thermal applications as possible uses for heating or cooling for all building projects subject to a predesign review under section 16B.335 that receive any state funding for replacement of heating or cooling systems. When practicable, geothermal and

solar thermal heating and cooling systems must be considered when designing, planning, or letting bids for necessary replacement or initial installation of cooling or heating systems in new or existing buildings that are constructed or maintained with state funds. The predesign review must include a written plan for compliance with this section from a project proposer.

For the purposes of this section, "solar thermal" means a flat plate or evacuated tube with a fixed orientation that collects the sun's radiant energy and transfers it to a storage medium for distribution as energy for heating and cooling."

Page 48, after line 29, insert:

"Sec. 65. Minnesota Statutes 2006, section 298.28, subdivision 4, as amended by Laws 2008, chapter 154, article 8, section 7, is amended to read:

Subd. 4. **School districts.** (a) 23.15 cents per taxable ton, plus the increase provided in paragraph (d) must be allocated to qualifying school districts to be distributed, based upon the certification of the commissioner of revenue, under paragraphs (b), (c), and (f).

(b)(i) 3.43 cents per taxable ton must be distributed to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The distribution must be based on the apportionment formula prescribed in subdivision 2.

(ii) Four cents per taxable ton from each taconite facility must be distributed to each affected school district for deposit in a fund dedicated to building maintenance and repairs, as follows:

(1) proceeds from Keewatin Taconite or its successor are distributed to Independent School Districts Nos. 316, Coleraine, and 319, Nashwauk-Keewatin, or their successor districts;

(2) proceeds from the Hibbing Taconite Company or its successor are distributed to Independent School Districts Nos. 695, Chisholm, and 701, Hibbing, or their successor districts;

(3) proceeds from the Mittal Steel Company and Minntac or their successors are distributed to Independent School Districts Nos. 712, Mountain Iron-Buhl, 706, Virginia, 2711, Mesabi East, and 2154, Eveleth-Gilbert, or their successor districts;

(4) proceeds from the Northshore Mining Company or its successor are distributed to Independent School Districts Nos. 2142, St. Louis County, and 381, Lake Superior, or their successor districts; and

(5) proceeds from United Taconite or its successor are distributed to Independent School Districts Nos. 2142, St. Louis County, and 2154, Eveleth-Gilbert, or their successor districts.

Revenues that are required to be distributed to more than one district shall be apportioned according to the number of pupil units identified in section 126C.05, subdivision 1, enrolled in the second previous year.

(c)(i) 15.72 cents per taxable ton, less any amount distributed under paragraph (e), shall be distributed to a group of school districts comprised of those school districts which qualify as a tax relief area under section 273.134, paragraph (b), or in which there is a qualifying municipality as defined by section 273.134, paragraph (a), in direct proportion to school district indexes as follows: for each school district, its pupil units determined under section 126C.05 for the prior school year shall be multiplied by the ratio of the average adjusted net tax capacity per pupil unit for school districts receiving aid under this clause as calculated pursuant to chapters 122A, 126C, and 127A for the school year ending prior to distribution to the adjusted net tax capacity per pupil unit of the district. Each district shall receive that portion of the distribution which its index bears to the sum of the indices for all school districts that receive the distributions.

(ii) Notwithstanding clause (i), each school district that receives a distribution under sections 298.018; 298.23 to 298.28, exclusive of any amount received under this clause; 298.34 to 298.39; 298.391 to 298.396; 298.405; or any law imposing a tax on severed mineral values after reduction for any portion distributed to cities and towns under section 126C.48, subdivision 8, paragraph (5), that is less than the amount of its levy reduction under section 126C.48, subdivision 8, for the second year prior to the year of the distribution shall receive a distribution equal to the difference; the amount necessary to make this payment shall be derived from proportionate reductions in the initial distribution to other school districts under clause (i).

(d) Any school district described in paragraph (c) where a levy increase pursuant to section 126C.17, subdivision 9, was authorized by referendum for taxes payable in 2001, shall receive a distribution of 21.3 cents per ton. Each district shall receive \$175 times the pupil units identified in section 126C.05, subdivision 1, enrolled in the second previous year or the 1983-1984 school year, whichever is greater, less the product of 1.8 percent times the district's taxable net tax capacity in the second previous year.

If the total amount provided by paragraph (d) is insufficient to make the payments herein required then the entitlement of \$175 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to paragraph (d) shall not be applied to reduce general education aid which the district receives pursuant to section 126C.13 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of Iron Range resources and rehabilitation who shall deposit the same in the taconite environmental protection fund and the Douglas J. Johnson economic protection trust fund as provided in subdivision 11.

Each district receiving money according to this paragraph shall reserve the lesser of the amount received under this paragraph or \$25 times the number of pupil units served in the district. It may use the money for early childhood programs or for outcome-based learning programs that enhance the academic quality of the district's curriculum. The outcome-based learning programs must be approved by the commissioner of education.

(e) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(f) Four cents per taxable ton must be distributed to qualifying school districts according to the distribution specified in paragraph (b), clause (ii), and two cents per taxable ton must be distributed according to the distribution specified in paragraph (c). These amounts are not subject to ~~section~~ sections 126C.21, subdivision 4, and 126C.48, subdivision 8.

EFFECTIVE DATE. This section is effective for distributions in 2009 and thereafter."

Renumber the sections in sequence

Amend the memorandum of explanation accordingly

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3674, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 13.202, subdivision 3; 13.322, subdivision 1; 13.3806, subdivision 1; 13.635, subdivision 1; 13.681, subdivision 1; 13.712, subdivision 1;

13.83, subdivision 10; 13.871, subdivisions 1, 6; 17.117, subdivision 3; 46.044, subdivision 1; 72A.20, subdivision 11; 103F.725, subdivision 1a; 103I.005, subdivision 22; 103I.311, subdivision 3; 115A.554; 123B.88, subdivision 19; 124D.59, subdivision 3; 126C.17, subdivision 9; 144.396, subdivision 9; 144.581, subdivision 1; 144A.461; 145B.02, subdivision 5; 148.736, subdivisions 2, 3; 169.01, subdivision 4b; 169.421, subdivision 5; 169.448, subdivision 1; 171.12, subdivision 2a; 174.03, subdivision 8; 175.35; 237.411, subdivision 5; 244.08; 256.98, subdivision 7; 256B.04, subdivision 16; 256B.35, subdivision 1; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivisions 5, 6; 256J.46, subdivision 1; 256J.50, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivision 5; 260B.235, subdivision 5; 260C.007, subdivision 6; 270.81, subdivision 1; 270.82, subdivision 1; 270.83, subdivision 3; 273.1398, subdivision 6; 275.065, subdivision 5a; 282.01, subdivision 1b; 289A.08, subdivision 7; 289A.63, subdivision 6; 290.0921, subdivision 3; 297A.70, subdivision 13; 298.282, subdivision 2; 300.15; 300.64, subdivision 4; 321.0108; 332.30; 352.03, subdivision 11; 352.119, subdivision 3; 354.07, subdivision 3; 354A.12, subdivisions 1, 2a; 356.30, subdivision 1; 356.65, subdivision 2; 386.015, subdivision 5; 422A.101, subdivision 2; 424A.02, subdivision 8a; 458D.18, subdivision 9; 469.153, subdivision 2; 480.182; 484.012; 501B.86, subdivision 2; 508A.22, subdivision 3; 518C.310; 550.04; 609.101, subdivision 3; 609.75, subdivision 1; 609B.121; 609B.164; 609B.265, subdivision 3; 609B.515; 611.272; Minnesota Statutes 2007 Supplement, sections 16C.03, subdivision 10; 103I.235, subdivision 1; 136A.127, subdivision 8; 144.121, subdivision 5b; 148.67, subdivision 1; 183.57, subdivision 2; 183.59; 216B.1637; 256.01, subdivision 23; 256.476, subdivision 4; 256B.0915, subdivisions 3a, 3e; 256B.49, subdivision 16a; 256J.49, subdivision 13; 256J.55, subdivision 1; 268.101, subdivision 2; 325E.386, subdivision 1; 326.91, subdivision 1; 352.01, subdivision 2b; 446A.051, subdivision 1; 446A.072, subdivision 5a; Laws 2007, chapter 147, article 19, section 3, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609B; repealing Minnesota Statutes 2006, sections 35.701; 35.96, subdivision 5; 62Q.64; 216C.30, subdivision 4; 256E.21, subdivision 3; 289A.11, subdivision 2; 383D.47; 473.1551, subdivision 1; 473.553, subdivision 14; 473.616; 484.69, subdivision 1a; 525.091, subdivision 2; Laws 2006, chapter 270, article 2, section 13; Laws 2007, chapter 128, article 6, section 16; Laws 2007, chapter 134, article 1, section 8; Laws 2007, chapter 147, article 1, section 32.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Kalin	McNamara	Poppe
Anderson, B.	Demmer	Hackbarth	Knuth	Moe	Rukavina
Anderson, S.	Dettmer	Hamilton	Koenen	Morgan	Ruth
Anzelc	Dill	Hansen	Kohls	Morrow	Ruud
Atkins	Dittrich	Hausman	Kranz	Mullery	Sailer
Beard	Dominguez	Haws	Laine	Murphy, E.	Scalze
Benson	Doty	Heidgerken	Lanning	Murphy, M.	Seifert
Berns	Drazkowski	Hilstrom	Lenczewski	Nelson	Sertich
Bigham	Eastlund	Hilty	Lesch	Nornes	Severson
Bly	Eken	Holberg	Liebling	Norton	Shimanski
Brod	Emmer	Hoppe	Lieder	Olin	Simon
Brown	Erhardt	Hornstein	Lillie	Olson	Simpson
Brynaert	Erickson	Hortman	Loeffler	Otremba	Slawik
Buesgens	Faust	Hosch	Madore	Ozment	Stocum
Bunn	Finstad	Howes	Magnus	Paymar	Smith
Carlson	Fritz	Huntley	Mahoney	Pelowski	Solberg
Clark	Gardner	Jaros	Mariani	Peppin	Swails
Cornish	Garofalo	Johnson	Marquart	Peterson, A.	Thao
Davnie	Gottwalt	Juhnke	Masin	Peterson, N.	Thissen
Dean	Greiling	Kahn	McFarlane	Peterson, S.	Tillberry

Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher
Tschumper	Walker	Welti	Wollschlager	
Urdahl	Ward	Westrom	Zellers	

The bill was passed, as amended, and its title agreed to.

S. F. No. 3492 was reported to the House.

Hosch moved to amend S. F. No. 3492, the first engrossment, as follows:

Page 4, after line 1, insert:

"Sec. 3. Minnesota Statutes 2006, section 518B.01, subdivision 7, is amended to read:

Subd. 7. **Ex parte order.** (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte order for protection and granting relief as the court deems proper, including an order:

(1) restraining the abusing party from committing acts of domestic abuse;

(2) excluding any party from the dwelling they share or from the residence of the other except by further order of the court;

(3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment; ~~and~~

(4) order the abusing party to have no contact with the petitioner whether in person, by telephone, mail, e-mail, through electronic devices, or through a third party; and

~~(4)~~ (5) continuing all currently available insurance coverage without change in coverage or beneficiary designation.

(b) A finding by the court that there is a basis for issuing an ex parte order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed period set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order becomes effective upon the referee's signature. Upon request, a hearing, as provided by this section, shall be set. Except as provided in paragraph (d), the respondent shall be personally served forthwith a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous notice that a hearing will not be held unless requested by the respondent within five days of service of the order.

(d) Service of the ex parte order may be made by published notice, as provided under subdivision 5, provided that the petitioner files the affidavit required under that subdivision. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a

hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.

(e) If the petitioner seeks relief under subdivision 6 other than the relief described in paragraph (a), the petitioner must request a hearing to obtain the additional relief.

(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11.

EFFECTIVE DATE. This section is effective July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Pelowski to the Chair.

S. F. No. 3492, A bill for an act relating to public safety; extending the duration of orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Kalin	McNamara	Poppe
Anderson, B.	Demmer	Hackbarth	Knuth	Moe	Rukavina
Anderson, S.	Dettmer	Hamilton	Koenen	Morgan	Ruth
Anzelc	Dill	Hansen	Kohls	Morrow	Ruud
Atkins	Dittrich	Hausman	Kranz	Mullery	Sailer
Beard	Dominguez	Haws	Laine	Murphy, E.	Scalze
Benson	Doty	Heidgerken	Lanning	Murphy, M.	Seifert
Berns	Drazkowski	Hilstrom	Lenczewski	Nelson	Sertich
Bigham	Eastlund	Hilty	Lesch	Nornes	Severson
Bly	Eken	Holberg	Liebling	Norton	Shimanski
Brod	Emmer	Hoppe	Lieder	Olin	Simon
Brown	Erhardt	Hornstein	Lillie	Olson	Simpson
Brynaert	Erickson	Hortman	Loeffler	Otremba	Slawik
Buesgens	Faust	Hosch	Madore	Ozment	Slocum
Bunn	Finstad	Howes	Magnus	Paymar	Smith
Carlson	Fritz	Huntley	Mahoney	Pelowski	Solberg
Clark	Gardner	Jaros	Mariani	Peppin	Swails
Cornish	Gottfalo	Johnson	Marquart	Peterson, A.	Thao
Davnie	Gottwalt	Juhnke	Masin	Peterson, N.	Thissen
Dean	Greiling	Kahn	McFarlane	Peterson, S.	Tillberry

Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher
Tschumper	Walker	Welti	Wollschlager	
Urdahl	Ward	Westrom	Zellers	

The bill was passed, as amended, and its title agreed to.

S. F. No. 3336 was reported to the House.

Cornish moved to amend S. F. No. 3336, the first engrossment, as follows:

Page 1, line 9, after the second "vehicle" insert "at retail for registration in Minnesota"

Page 2, line 8, reinstate the stricken language

Page 2, line 9, reinstate the stricken language and delete the new language

Page 2, lines 10 to 13, delete the new language

The motion prevailed and the amendment was adopted.

S. F. No. 3336, A bill for an act relating to traffic regulations; providing for exemptions to vehicle window glazing restrictions; amending Minnesota Statutes 2006, sections 168.27, by adding a subdivision; 169.71, subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Finstad	Hornstein	Lesch	Murphy, E.
Anderson, B.	Davnie	Fritz	Hortman	Liebling	Murphy, M.
Anderson, S.	Dean	Gardner	Hosch	Lieder	Nelson
Anzelc	DeLaForest	Garofalo	Howes	Lillie	Nornes
Atkins	Demmer	Gottwalt	Huntley	Loeffler	Norton
Beard	Dettmer	Greiling	Jaros	Madore	Olin
Benson	Dill	Gunther	Johnson	Magnus	Olson
Berns	Dittrich	Hackbarth	Juhnke	Mahoney	Otremba
Bigham	Dominguez	Hamilton	Kahn	Mariani	Ozment
Bly	Doty	Hansen	Kalin	Marquart	Paymar
Brod	Drazkowski	Hausman	Knuth	Masin	Pelowski
Brown	Eastlund	Haws	Koenen	McFarlane	Peppin
Brynaert	Eken	Heidgerken	Kohls	McNamara	Peterson, A.
Buesgens	Emmer	Hilstrom	Kranz	Moe	Peterson, N.
Bunn	Erhardt	Hilty	Laine	Morgan	Peterson, S.
Carlson	Erickson	Holberg	Lanning	Morrow	Poppe
Clark	Faust	Hoppe	Lenczewski	Mullery	Rukavina

Ruth	Severson	Smith	Tingelstad	Wardlow	Spk. Kelliher
Ruud	Shimanski	Solberg	Tschumper	Welti	
Sailer	Simon	Swails	Urdahl	Westrom	
Scalze	Simpson	Thao	Wagenius	Winkler	
Seifert	Slawik	Thissen	Walker	Wollschlager	
Sertich	Slocum	Tillberry	Ward	Zellers	

The bill was passed, as amended, and its title agreed to.

S. F. No. 3377 was reported to the House.

Smith moved that S. F. No. 3377 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3119, A bill for an act relating to emergency management; authorizing interstate assistance by local governments; proposing coding for new law in Minnesota Statutes, chapter 192.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Liebling	Otremba	Solberg
Anderson, B.	Dittrich	Hilstrom	Lieder	Ozment	Swails
Anderson, S.	Dominguez	Hilty	Lillie	Paymar	Thao
Anzels	Doty	Holberg	Loeffler	Pelowski	Thissen
Atkins	Drazkowski	Hoppe	Madore	Peppin	Tillberry
Beard	Eastlund	Hornstein	Magnus	Peterson, A.	Tingelstad
Benson	Eken	Hortman	Mahoney	Peterson, N.	Tschumper
Berns	Emmer	Hosch	Mariani	Peterson, S.	Urdahl
Bigham	Erhardt	Howes	Marquart	Poppe	Wagenius
Bly	Erickson	Huntley	Masin	Rukavina	Walker
Brod	Faust	Jaros	McFarlane	Ruth	Ward
Brown	Finstad	Johnson	McNamara	Ruud	Wardlow
Brynaert	Fritz	Juhnke	Moe	Sailer	Welti
Buesgens	Gardner	Kahn	Morgan	Scalze	Westrom
Bunn	Garofalo	Kalin	Morrow	Seifert	Winkler
Carlson	Gottwalt	Knuth	Mullery	Sertich	Wollschlager
Clark	Greiling	Koenen	Murphy, E.	Severson	Zellers
Cornish	Gunther	Kohls	Murphy, M.	Shimanski	Spk. Kelliher
Davnie	Hackbarth	Kranz	Nelson	Simon	
Dean	Hamilton	Laine	Nornes	Simpson	
DeLaForest	Hansen	Lanning	Norton	Slawik	
Demmer	Hausman	Lenczewski	Olin	Slocum	
Dettmer	Haws	Lesch	Olson	Smith	

The bill was passed and its title agreed to.

Hamilton was excused for the remainder of today's session.

H. F. No. 3574 was reported to the House.

Nornes moved to amend H. F. No. 3574, the second engrossment, as follows:

Page 5, line 30, delete "is prohibited from repealing its ordinance adopting" and insert "may repeal its adoption of" and before the period, insert "with a majority vote of the city council"

A roll call was requested and properly seconded.

The question was taken on the Nornes amendment and the roll was called. There were 26 yeas and 105 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Erickson	Magnus	Seifert	Zellers
Anderson, S.	Demmer	Finstad	Nornes	Severson	
Beard	Dettmer	Hackbarth	Olson	Shimanski	
Brod	Drazkowski	Heidgerken	Otremba	Urdahl	
Buesgens	Emmer	Kohls	Peppin	Westrom	

Those who voted in the negative were:

Abeler	Eastlund	Hortman	Lillie	Ozment	Solberg
Anzelc	Eken	Hosch	Loeffler	Paymar	Swails
Atkins	Erhardt	Howes	Madore	Pelowski	Thao
Benson	Faust	Huntley	Mahoney	Peterson, A.	Thissen
Berns	Fritz	Jaros	Mariani	Peterson, N.	Tillberry
Bigham	Gardner	Johnson	Marquart	Peterson, S.	Tingelstad
Bly	Garofalo	Juhnke	Masin	Poppe	Tschumper
Brown	Gottwalt	Kahn	McFarlane	Rukavina	Wagenius
Brynaert	Greiling	Kalin	McNamara	Ruth	Walker
Bunn	Gunther	Knuth	Moe	Ruud	Ward
Carlson	Hansen	Koenen	Morgan	Sailer	Wardlow
Clark	Hausman	Kranz	Morrow	Scalze	Welti
Cornish	Haws	Laine	Mullery	Sertich	Winkler
Davnie	Hilstrom	Lanning	Murphy, E.	Simon	Wollschlager
Dill	Hilty	Lenczewski	Murphy, M.	Simpson	Spk. Kelliher
Dittrich	Holberg	Lesch	Nelson	Slawik	
Dominguez	Hoppe	Liebling	Norton	Slocum	
Doty	Hornstein	Lieder	Olin	Smith	

The motion did not prevail and the amendment was not adopted.

McNamara and Tschumper moved to amend H. F. No. 3574, the second engrossment, as follows:

Page 3, after line 18, insert:

"Sec. 2. Minnesota Statutes 2006, section 16B.615, is amended by adding a subdivision to read:

Subd. 2a. Restroom fixtures. In a place of public accommodation subject to this section, waterless urinals are permitted statewide."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

H. F. No. 3574, A bill for an act relating to the State Building Code; regulating the application and enforcement of the State Building Code; amending Minnesota Statutes 2006, sections 16B.616, subdivision 4; 16B.62; 16B.71; Minnesota Statutes 2007 Supplement, sections 16B.61, subdivision 3; 16B.735; repealing Minnesota Statutes 2007 Supplement, sections 16B.72; 16B.73.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hornstein	Lillie	Olin	Smith
Anderson, S.	Dominguez	Hortman	Loeffler	Ozment	Solberg
Anzelc	Doty	Hosch	Madore	Paymar	Swails
Atkins	Eastlund	Howes	Magnus	Pelowski	Thao
Benson	Eken	Huntley	Mahoney	Peterson, A.	Thissen
Bigham	Erhardt	Jaros	Mariani	Peterson, N.	Tillberry
Bly	Faust	Johnson	Marquart	Peterson, S.	Tingelstad
Brod	Fritz	Juhnke	Masin	Poppe	Tschumper
Brown	Gardner	Kahn	McFarlane	Rukavina	Urdahl
Brynaert	Garofalo	Kalin	McNamara	Ruth	Wagenius
Bunn	Gottwalt	Knuth	Moe	Ruud	Walker
Carlson	Greiling	Koenen	Morgan	Sailer	Ward
Clark	Gunther	Kranz	Morrow	Scalze	Wardlow
Cornish	Hansen	Laine	Mullery	Sertich	Welti
Davnie	Hausman	Lanning	Murphy, E.	Severson	Winkler
Dean	Haws	Lenczewski	Murphy, M.	Simon	Wollschlager
Demmer	Hilstrom	Lesch	Nelson	Simpson	Spk. Kelliher
Dettmer	Hilty	Liebling	Nornes	Slawik	
Dill	Hoppe	Lieder	Norton	Slocum	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Finstad	Olson	Shimanski
Beard	Drazkowski	Hackbarth	Otremba	Westrom
Berns	Emmer	Holberg	Peppin	Zellers
Buesgens	Erickson	Kohls	Seifert	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 2564, A bill for an act relating to human services; modifying TANF maintenance of effort programs; amending Laws 2007, chapter 147, article 19, section 3, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilty	Lieder	Ozment	Swails
Anderson, S.	Dominguez	Holberg	Lillie	Paymar	Thao
Anzenc	Doty	Hoppe	Loeffler	Pelowski	Thissen
Atkins	Drazkowski	Hornstein	Madore	Peterson, A.	Tillberry
Beard	Eastlund	Hortman	Magnus	Peterson, N.	Tingelstad
Benson	Eken	Hosch	Mahoney	Peterson, S.	Tschumper
Berns	Erhardt	Howes	Mariani	Poppe	Urdahl
Bigham	Erickson	Huntley	Marquart	Rukavina	Wagenius
Bly	Faust	Jaros	Masin	Ruth	Walker
Brod	Finstad	Johnson	McFarlane	Ruud	Ward
Brown	Fritz	Juhnke	McNamara	Sailer	Wardlow
Brynaert	Gardner	Kahn	Moe	Scalze	Welti
Bunn	Garofalo	Kalin	Morgan	Seifert	Westrom
Carlson	Gottwalt	Knuth	Morrow	Sertich	Winkler
Clark	Greiling	Koenen	Mullery	Severson	Wollschlager
Cornish	Gunther	Kohls	Murphy, E.	Shimanski	Zellers
Davnie	Hackbarth	Kranz	Murphy, M.	Simon	Spk. Kelliher
Dean	Hansen	Laine	Nelson	Simpson	
DeLaForest	Hausman	Lanning	Nornes	Slawik	
Demmer	Haws	Lenczewski	Norton	Slocum	
Dettmer	Heidgerken	Lesch	Olin	Smith	
Dill	Hilstrom	Liebling	Otremba	Solberg	

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Olson	Peppin
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The bill was passed and its title agreed to.

S. F. No. 2881 was reported to the House.

Davnie moved to amend S. F. No. 2881, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3236, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 47.20, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional or cooperative apartment loan.

(d) Appraisal and survey of real property securing a conventional loan or real property owned by a cooperative apartment corporation of which a share or shares of stock or a membership certificate or certificates are to secure a cooperative apartment loan.

(e) A single service charge, which includes any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional or cooperative apartment loan, and also includes any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows the commitment. The term service charge does not include forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional or cooperative apartment loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real or personal property securing a conventional or cooperative apartment loan or the closing of a conventional or cooperative apartment loan paid by the borrower and received by any party other than the lender.

(2) "Contract for deed" means an executory contract for the conveyance of real estate, the original principal amount of which is less than ~~\$100,000~~ \$300,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract wherein the seller agrees to finance any part or all of the purchase price by a contract for deed.

(3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the Farmers Home Administration, and which is not made pursuant to the authority granted in subdivision 1, clause (3) or (4). The term mortgage does not include contracts for deed or installment land contracts.

(4) "Cooperative apartment loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a security interest on a share or shares of stock or a membership certificate or certificates issued to a stockholder or member by a cooperative apartment corporation, which may be accompanied by an assignment by way of security of the borrower's interest in the proprietary lease or occupancy agreement in property issued by the cooperative apartment corporation and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the Farmers Home Administration.

(5) "Cooperative apartment corporation" means a corporation or cooperative organized under chapter 308A or 317A, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in the corporation or association, to occupy one or more residential units in a building owned or leased by the corporation or association.

(6) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of units to be created out of existing structures pursuant to chapter 515B, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make cooperative apartment loans to two or more credit worthy purchasers, including future purchasers, of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation; provided, that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(7) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees that, if a conventional or cooperative apartment loan is made following issuance of and pursuant to the commitment, the conventional or cooperative apartment loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

(8) "Borrower's loan commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees to make a conventional or cooperative apartment loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional or cooperative apartment loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue the borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(9) "Finance charge" means the total cost of a conventional or cooperative apartment loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional or cooperative apartment loan or against a seller of real property securing a conventional loan or a seller of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation securing a cooperative apartment loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional or cooperative apartment loan. The finance charge,

with respect to wraparound mortgages, shall be computed based upon the face amount of the wraparound mortgage note, which face amount shall consist of the aggregate of those funds actually advanced by the wraparound lender and the total outstanding principal balances of the prior note or notes which have been made a part of the wraparound mortgage note.

(10) "Lender" means any person making a conventional or cooperative apartment loan, or any person arranging financing for a conventional or cooperative apartment loan. The term also includes the holder or assignee at any time of a conventional or cooperative apartment loan.

(11) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional or cooperative apartment loan and shall be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c), and (d) of Regulation Z, Code of Federal Regulations, title 12, section 226, but using the definition of finance charge provided for in this subdivision. For purposes of this section, with respect to wraparound mortgages, the rate of interest or loan yield shall be based upon the principal balance set forth in the wraparound note and mortgage and shall not include any interest differential or yield differential between the stated interest rate on the wraparound mortgage and the stated interest rate on the one or more prior mortgages included in the stated loan amount on a wraparound note and mortgage.

(12) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

(13) "Residential unit" means any structure used principally for residential purposes or any portion thereof, and includes a unit in a common interest community, a nonowner occupied residence, and any other type of residence regardless of whether the unit is used as a principal residence, secondary residence, vacation residence, or residence of some other denomination.

(14) "Vendor" means any person or persons who agree to sell real estate and finance any part or all of the purchase price by a contract for deed. The term also includes the holder or assignee at any time of the vendor's interest in a contract for deed.

Sec. 2. Minnesota Statutes 2007 Supplement, section 58.13, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) No person acting as a residential mortgage originator or servicer, including a person required to be licensed under this chapter, and no person exempt from the licensing requirements of this chapter under section 58.04, except as otherwise provided in paragraph (b), shall:

- (1) fail to maintain a trust account to hold trust funds received in connection with a residential mortgage loan;
- (2) fail to deposit all trust funds into a trust account within three business days of receipt; commingle trust funds with funds belonging to the licensee or exempt person; or use trust account funds for any purpose other than that for which they are received;
- (3) unreasonably delay the processing of a residential mortgage loan application, or the closing of a residential mortgage loan. For purposes of this clause, evidence of unreasonable delay includes but is not limited to those factors identified in section 47.206, subdivision 7, clause (d);
- (4) fail to disburse funds according to its contractual or statutory obligations;
- (5) fail to perform in conformance with its written agreements with borrowers, investors, other licensees, or exempt persons;

(6) charge a fee for a product or service where the product or service is not actually provided, or misrepresent the amount charged by or paid to a third party for a product or service;

(7) fail to comply with sections 345.31 to 345.60, the Minnesota unclaimed property law;

(8) violate any provision of any other applicable state or federal law regulating residential mortgage loans including, without limitation, sections 47.20 to 47.208;

(9) make or cause to be made, directly or indirectly, any false, deceptive, or misleading statement or representation in connection with a residential loan transaction including, without limitation, a false, deceptive, or misleading statement or representation regarding the borrower's ability to qualify for any mortgage product;

(10) conduct residential mortgage loan business under any name other than that under which the license or certificate of exemption was issued;

(11) compensate, whether directly or indirectly, coerce or intimidate an appraiser for the purpose of influencing the independent judgment of the appraiser with respect to the value of real estate that is to be covered by a residential mortgage or is being offered as security according to an application for a residential mortgage loan;

(12) issue any document indicating conditional qualification or conditional approval for a residential mortgage loan, unless the document also clearly indicates that final qualification or approval is not guaranteed, and may be subject to additional review;

(13) make or assist in making any residential mortgage loan with the intent that the loan will not be repaid and that the residential mortgage originator will obtain title to the property through foreclosure;

(14) provide or offer to provide for a borrower, any brokering or lending services under an arrangement with a person other than a licensee or exempt person, provided that a person may rely upon a written representation by the residential mortgage originator that it is in compliance with the licensing requirements of this chapter;

(15) claim to represent a licensee or exempt person, unless the person is an employee of the licensee or exempt person or unless the person has entered into a written agency agreement with the licensee or exempt person;

(16) fail to comply with the record keeping and notification requirements identified in section 58.14 or fail to abide by the affirmations made on the application for licensure;

(17) represent that the licensee or exempt person is acting as the borrower's agent after providing the nonagency disclosure required by section 58.15, unless the disclosure is retracted and the licensee or exempt person complies with all of the requirements of section 58.16;

(18) make, provide, or arrange for a residential mortgage loan that is of a lower investment grade if the borrower's credit score or, if the originator does not utilize credit scoring or if a credit score is unavailable, then comparable underwriting data, indicates that the borrower may qualify for a residential mortgage loan, available from or through the originator, that is of a higher investment grade, unless the borrower is informed that the borrower may qualify for a higher investment grade loan with a lower interest rate and/or lower discount points, and consents in writing to receipt of the lower investment grade loan;

For purposes of this section, "investment grade" refers to a system of categorizing residential mortgage loans in which the loans are: (i) commonly referred to as "prime" or "subprime"; (ii) commonly designated by an alphabetical character with "A" being the highest investment grade; and (iii) are distinguished by interest rate or discount points or both charged to the borrower, which vary according to the degree of perceived risk of default based on factors such as the borrower's credit, including credit score and credit patterns, income and employment history, debt ratio, loan-to-value ratio, and prior bankruptcy or foreclosure;

(19) make, publish, disseminate, circulate, place before the public, or cause to be made, directly or indirectly, any advertisement or marketing materials of any type, or any statement or representation relating to the business of residential mortgage loans that is false, deceptive, or misleading;

(20) advertise loan types or terms that are not available from or through the licensee or exempt person on the date advertised, or on the date specified in the advertisement. For purposes of this clause, advertisement includes, but is not limited to, a list of sample mortgage terms, including interest rates, discount points, and closing costs provided by licensees or exempt persons to a print or electronic medium that presents the information to the public;

(21) use or employ phrases, pictures, return addresses, geographic designations, or other means that create the impression, directly or indirectly, that a licensee or other person is a governmental agency, or is associated with, sponsored by, or in any manner connected to, related to, or endorsed by a governmental agency, if that is not the case;

(22) violate section 82.49, relating to table funding;

(23) make, provide, or arrange for a residential mortgage loan all or a portion of the proceeds of which are used to fully or partially pay off a "special mortgage" unless the borrower has obtained a written certification from an authorized independent loan counselor that the borrower has received counseling on the advisability of the loan transaction. For purposes of this section, "special mortgage" means a residential mortgage loan originated, subsidized, or guaranteed by or through a state, tribal, or local government, or nonprofit organization, that bears one or more of the following nonstandard payment terms which substantially benefit the borrower: (i) payments vary with income; (ii) payments of principal or interest are not required or can be deferred under specified conditions; (iii) principal or interest is forgivable under specified conditions; or (iv) where no interest or an annual interest rate of two percent or less is charged in connection with the loan. For purposes of this section, "authorized independent loan counselor" means a nonprofit, third-party individual or organization providing homebuyer education programs, foreclosure prevention services, mortgage loan counseling, or credit counseling certified by the United States Department of Housing and Urban Development, the Minnesota Home Ownership Center, the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks America;

(24) make, provide, or arrange for a residential mortgage loan without verifying the borrower's reasonable ability to pay the scheduled payments of the following, as applicable: principal; interest; real estate taxes; homeowner's insurance, assessments, and mortgage insurance premiums. For loans in which the interest rate may vary, the reasonable ability to pay shall be determined based on a fully indexed rate and a repayment schedule which achieves full amortization over the life of the loan. For all residential mortgage loans, the borrower's income and financial resources must be verified by tax returns, payroll receipts, bank records, or other similarly reliable documents.

Nothing in this section shall be construed to limit a mortgage originator's or exempt person's ability to rely on criteria other than the borrower's income and financial resources to establish the borrower's reasonable ability to repay the residential mortgage loan, including criteria established by the United States Department of Veterans Affairs or the United States Department of Housing and Urban Development for interest rate reduction refinancing loans or streamline loans or criteria authorized or promulgated by Fannie Mae or Freddie Mac; however, such other criteria must be verified through reasonably reliable methods and documentation. A statement by the borrower to the residential mortgage originator or exempt person of the borrower's income and resources is not sufficient to establish the existence of the income or resources when verifying the reasonable ability to pay.

(25) engage in "churning." As used in this section, "churning" means knowingly or intentionally making, providing, or arranging for a residential mortgage loan when the new residential mortgage loan does not provide a reasonable, tangible net benefit to the borrower considering all of the circumstances including the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances;

(26) the first time a residential mortgage originator orally informs a borrower of the anticipated or actual periodic payment amount for a first-lien residential mortgage loan which does not include an amount for payment of property taxes and hazard insurance, the residential mortgage originator must inform the borrower that an additional amount will be due for taxes and insurance and, if known, disclose to the borrower the amount of the anticipated or actual periodic payments for property taxes and hazard insurance. This same oral disclosure must be made each time the residential mortgage originator orally informs the borrower of a different anticipated or actual periodic payment amount change from the amount previously disclosed. A residential mortgage originator need not make this disclosure concerning a refinancing loan if the residential mortgage originator knows that the borrower's existing loan that is anticipated to be refinanced does not have an escrow account; or

(27) make, provide, or arrange for a residential mortgage loan, other than a reverse mortgage pursuant to United States Code, title 15, chapter 41, if the borrower's compliance with any repayment option offered pursuant to the terms of the loan will result in negative amortization during any six-month period.

(b) Paragraph (a), clauses (24) through (27), do not apply to a state or federally chartered bank, savings bank, or credit union, an institution chartered by Congress under the Farm Credit Act, or to a person making, providing, or arranging a residential mortgage loan originated or purchased by a state agency or a tribal or local unit of government. This paragraph supersedes any inconsistent provision of this chapter.

Sec. 3. Minnesota Statutes 2007 Supplement, section 58.18, subdivision 1, is amended to read:

Subdivision 1. **Remedies.** A borrower injured by a violation of the standards, duties, prohibitions, or requirements of sections 58.13, 58.136, 58.137, ~~and 58.16, and 58.161~~ shall have a private right of action and the court shall award:

- (1) actual, incidental, and consequential damages;
- (2) statutory damages equal to the amount of all lender fees included in the amount of the principal of the residential mortgage loan as defined in section 58.137;
- (3) punitive damages if appropriate, and as provided in sections 549.191 and 549.20; and
- (4) court costs and reasonable attorney fees.

Sec. 4. Minnesota Statutes 2007 Supplement, section 58.18, subdivision 2, is amended to read:

Subd. 2. **Private attorney general statute.** A borrower injured by a violation of the standards, duties, prohibitions, or requirements of sections 58.13, 58.136, 58.137, ~~and 58.16, and 58.161~~ also may bring an action under section 8.31. A private right of action by a borrower under this chapter is in the public interest.

Sec. 5. Minnesota Statutes 2006, section 334.01, subdivision 2, is amended to read:

Subd. 2. **Contracts of \$100,000 or more.** Notwithstanding any law to the contrary, except as stated in section 58.137, and with respect to contracts for deed, section 47.20, subdivision 4a, no limitation on the rate or amount of interest, points, finance charges, fees, or other charges applies to a loan, mortgage, credit sale, or advance made under a written contract, signed by the debtor, for the extension of credit to the debtor in the amount of \$100,000 or more, or any written extension and other written modification of the written contract. The written contract, written extension, and written modification are exempt from the other provisions of this chapter.

Sec. 6. **EFFECTIVE DATES.**

Sections 1 and 5 are effective August 1, 2008. Section 2 is effective the day following final enactment. Sections 3 and 4 are effective the day following final enactment for actions commenced on or after that date."

The motion prevailed and the amendment was adopted.

S. F. No. 2881, A bill for an act relating to commerce; regulating contracts for deed, rates of interest on certain contracts, and mortgage lending; providing verification of the borrower's reasonable ability to repay a mortgage loan; providing penalties and remedies for a mortgage broker's failure to comply with the broker's duties of agency; amending Minnesota Statutes 2006, sections 47.20, subdivision 2; 334.01, subdivision 2; Minnesota Statutes 2007 Supplement, sections 58.13, subdivision 1; 58.18, subdivisions 1, 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hilstrom	Lesch	Norton	Slawik
Anderson, B.	Dill	Hilty	Liebling	Olin	Slocum
Anderson, S.	Dittrich	Holberg	Lieder	Otremba	Smith
Anzelc	Dominguez	Hoppe	Lillie	Ozment	Solberg
Atkins	Doty	Hornstein	Loeffler	Paymar	Swails
Beard	Drazkowski	Hortman	Madore	Pelowski	Thao
Benson	Eastlund	Hosch	Magnus	Peppin	Thissen
Berns	Eken	Howes	Mahoney	Peterson, A.	Tillberry
Bigham	Erhardt	Huntley	Mariani	Peterson, N.	Tingelstad
Bly	Faust	Jaros	Marquart	Peterson, S.	Tschumper
Brod	Finstad	Johnson	Masin	Poppe	Urdahl
Brown	Fritz	Juhnke	McFarlane	Rukavina	Wagenius
Brynaert	Gardner	Kahn	McNamara	Ruth	Walker
Bunn	Garofalo	Kalin	Moe	Ruud	Ward
Carlson	Gottwalt	Knuth	Morgan	Sailer	Wardlow
Clark	Greiling	Koenen	Morrow	Scalze	Welti
Cornish	Gunther	Kohls	Mullery	Sertich	Westrom
Davnie	Hansen	Kranz	Murphy, E.	Severson	Winkler
Dean	Hausman	Laine	Murphy, M.	Shimanski	Wollschlager
DeLaForest	Haws	Lanning	Nelson	Simon	Zellers
Demmer	Heidgerken	Lenczewski	Nornes	Simpson	Spk. Kelliher

Those who voted in the negative were:

Buesgens	Emmer	Erickson	Hackbarth	Olson	Seifert
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The bill was passed, as amended, and its title agreed to.

S. F. No. 3049 was reported to the House.

Walker moved to amend S. F. No. 3049, the second engrossment, as follows:

Page 5, delete lines 3 to 5 and insert:

"(v) documentation of the child's behavioral change and change in physical status for each 15-minute interval the procedure is used; and"

The motion prevailed and the amendment was adopted.

Loeffler, Walker and Anderson, B., moved to amend S. F. No. 3049, the second engrossment, as amended, as follows:

Page 10, after line 20, insert:

"Sec. 5. MENTAL HEALTH NEEDS; WORK GROUP.

(a) The commissioner of human services shall convene a work group of stakeholders from the child, adolescent, and adult mental health system and members of the Health Economics Program at the Minnesota Department of Health to develop recommendations to reduce the number of unnecessary patient days in acute care facilities. The work group shall develop recommendations on how to meet the acute mental health needs of children, adolescents, and adults.

(b) The plan shall include an analysis of the current capacity and utilization of:

(1) inpatient hospital psychiatric beds;

(2) partial hospitalization programs;

(3) children's and adults' residential treatment facilities;

(4) mobile crisis services and adult crisis homes;

(5) intensive outpatient services; and

(6) supportive housing arrangements.

The plan shall also include an analysis of the number of practicing psychiatrists and other mental health professionals and the present staffing needs of both inpatient and community programs. The commissioner shall use available reports and data, and may collect new data where necessary.

(c) The commissioner shall report the findings of the work group to the chairs of the standing committees in the house and senate with jurisdiction over mental health by January 16, 2009. The report shall include recommendations for:

(1) any expansion in capacity for facilities listed in paragraph (b), including location, type, specialization, optimum size, and geographic accessibility;

(2) identifying obstacles in rules, licensing, or payment rates that limit recommended expansion;

(3) strategies to maximize federal matching dollars; and

(4) strategies to improve the efficient transition from inpatient to community settings."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Anderson, B.; Erickson; Gottwalt; Eastlund and Emmer moved to amend S. F. No. 3049, the second engrossment, as amended, as follows:

Page 10, after line 20, insert:

"Sec. 5. **SUBSTANCE ABUSE TREATMENT EFFECTIVENESS.**

In addition to the substance abuse treatment program performance outcome measures that the commissioner of human services collects annually from treatment providers, the commissioner shall request additional data from programs that receive appropriations from the Consolidated Chemical Dependency Treatment Fund. This data shall include number of client readmissions six months after release from inpatient treatment, and the cost of treatment per person for each program receiving Consolidated Chemical Dependency Treatment funds. The commissioner may post this data on the department website.

EFFECTIVE DATE. This section is effective January 1, 2009."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3049, A bill for an act relating to children's mental health; requiring children's mental health providers to develop a plan for and comply with requirements on the use of restrictive procedures; modifying chemical use assessments; amending Minnesota Statutes 2006, section 256B.0943, subdivision 5; Minnesota Statutes 2007 Supplement, section 254A.19, subdivision 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Bly	Brynaert	Clark
Anderson, B.	Atkins	Berns	Brod	Bunn	Davnie
Anderson, S.	Beard	Bigham	Brown	Carlson	Dean

Demmer	Hansen	Koenen	McFarlane	Peterson, N.	Solberg
Dettmer	Hausman	Kohls	McNamara	Peterson, S.	Swails
Dill	Haws	Kranz	Moe	Poppe	Thao
Dittrich	Heidgerken	Laine	Morgan	Rukavina	Thissen
Dominguez	Hilstrom	Lanning	Morrow	Ruth	Tillberry
Doty	Hilty	Lenczewski	Mullery	Ruud	Tingelstad
Eastlund	Hornstein	Lesch	Murphy, E.	Sailer	Tschumper
Eken	Hortman	Liebling	Murphy, M.	Scalze	Urdahl
Erhardt	Hosch	Lieder	Nelson	Seifert	Wagenius
Faust	Howes	Lillie	Nornes	Sertich	Walker
Finstad	Huntley	Loeffler	Norton	Severson	Ward
Fritz	Jaros	Madore	Olin	Shimanski	Wardlow
Gardner	Johnson	Magnus	Otremba	Simon	Welti
Garofalo	Juhnke	Mahoney	Ozment	Simpson	Westrom
Gottwalt	Kahn	Mariani	Paymar	Slawik	Winkler
Greiling	Kalin	Marquart	Pelowski	Slocum	Wollschlager
Gunther	Knuth	Masin	Peterson, A.	Smith	Spk. Kelliher

Those who voted in the negative were:

Buesgens	DeLaForest	Emmer	Hackbarth	Hoppe	Peppin
Cornish	Drazkowski	Erickson	Holberg	Olson	Zellers

The bill was passed, as amended, and its title agreed to.

S. F. No. 3563 was reported to the House.

Fritz, Hosch and Norton moved to amend S. F. No. 3563, the first engrossment, as follows:

Page 15, after line 16, insert:

"Sec. 4. **REPORT ON STAFFING CRITERIA.**

The commissioners of human services and health shall consult with consumers, nursing facility providers, and nursing facility employees, to: (1) review the definitions of nursing facility direct care staff in Minnesota Statutes, Minnesota Rules, and agency bulletins; (2) determine how to standardize definitions to allow the public to compare direct care staffing across facilities; and (3) examine how new and emerging staff positions and titles, including but not limited to "resident assistant," should be incorporated over time into direct care staffing. The commissioners shall report recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services by January 15, 2009."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3563, A bill for an act relating to human services; making changes to continuing care provisions; clarifying licensing fines; clarifying senior nutrition appropriations; amending local certification requirements; amending Minnesota Statutes 2007 Supplement, sections 245A.07, subdivision 3; 256B.49, subdivision 16a; Laws 2007, chapter 147, article 19, section 3, subdivision 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lenczewski	Norton	Simpson
Anderson, B.	Dill	Heidgerken	Lesch	Olin	Slawik
Anderson, S.	Dittrich	Hilstrom	Liebling	Olson	Slocum
Anzelc	Dominguez	Hilty	Lieder	Otremba	Smith
Atkins	Doty	Holberg	Lillie	Ozment	Solberg
Beard	Drazkowski	Hoppe	Loeffler	Paymar	Swails
Benson	Eastlund	Hornstein	Madore	Pelowski	Thao
Berns	Eken	Hortman	Magnus	Peppin	Thissen
Bigham	Emmer	Hosch	Mahoney	Peterson, A.	Tillberry
Bly	Erhardt	Howes	Mariani	Peterson, N.	Tingelstad
Brod	Erickson	Huntley	Marquart	Peterson, S.	Tschumper
Brown	Faust	Jaros	Masin	Poppe	Urdahl
Brynaert	Finstad	Johnson	McFarlane	Rukavina	Wagenius
Buesgens	Fritz	Juhnke	McNamara	Ruth	Walker
Bunn	Gardner	Kahn	Moe	Ruud	Ward
Carlson	Garofalo	Kalin	Morgan	Sailer	Wardlow
Clark	Gottwalt	Knuth	Morrow	Scalze	Welti
Cornish	Greiling	Koenen	Mullery	Seifert	Westrom
Davnie	Gunther	Kohls	Murphy, E.	Sertich	Winkler
Dean	Hackbarth	Kranz	Murphy, M.	Severson	Wollschlager
DeLaForest	Hansen	Laine	Nelson	Shimanski	Zellers
Demmer	Hausman	Lanning	Nornes	Simon	Spk. Kelliher

The bill was passed, as amended, and its title agreed to.

S. F. No. 3227, A bill for an act relating to health; making changes to resident reimbursement classification provisions; making changes to provisions for Alzheimer's disease facilities; making changes to nursing home moratorium provisions; requiring a report recommending standards for personal care assistant services; amending Minnesota Statutes 2006, sections 144.0724, subdivision 7; 144.6503; 144A.073, as amended; 144A.10, subdivision 4; 144A.11, subdivision 2; 144A.46, subdivisions 1, 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Bly	Brynaert	Carlson
Anderson, B.	Atkins	Berns	Brod	Buesgens	Clark
Anderson, S.	Beard	Bigham	Brown	Bunn	Cornish

Davnie	Garofalo	Johnson	Mariani	Pelowski	Smith
Dean	Gottwalt	Juhnke	Marquart	Peppin	Solberg
DeLaForest	Greiling	Kahn	Masin	Peterson, A.	Swails
Demmer	Gunther	Kalin	McFarlane	Peterson, N.	Thao
Dettmer	Hackbarth	Knuth	McNamara	Peterson, S.	Thissen
Dill	Hansen	Koenen	Moe	Poppe	Tillberry
Dittrich	Hausman	Kohls	Morgan	Rukavina	Tingelstad
Dominguez	Haws	Kranz	Morrow	Ruth	Tschumper
Doty	Heidgerken	Laine	Mullery	Ruud	Urdahl
Drazkowski	Hilstrom	Lanning	Murphy, E.	Sailer	Wagenius
Eastlund	Hilty	Lenczewski	Murphy, M.	Scalze	Walker
Eken	Holberg	Lesch	Nelson	Seifert	Ward
Emmer	Hoppe	Liebling	Nornes	Sertich	Wardlow
Erhardt	Hornstein	Lieder	Norton	Severson	Walti
Erickson	Hortman	Lillie	Olin	Shimanski	Westrom
Faust	Hosch	Loeffler	Olson	Simon	Winkler
Finstad	Howes	Madore	Otremba	Simpson	Wollschlager
Fritz	Huntley	Magnus	Ozment	Slawik	Zellers
Gardner	Jaros	Mahoney	Paymar	Slocum	Spk. Kelliher

The bill was passed and its title agreed to.

S. F. No. 3446, A bill for an act relating to insurance; regulating small employer insurance; requiring notice of certain plan availability; amending Minnesota Statutes 2006, section 62L.05, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hornstein	Loeffler	Otremba	Slocum
Anderson, S.	Dominguez	Hortman	Madore	Ozment	Smith
Anzelc	Doty	Hosch	Magnus	Paymar	Solberg
Atkins	Eastlund	Howes	Mahoney	Pelowski	Swails
Beard	Eken	Huntley	Mariani	Peterson, A.	Thao
Benson	Erhardt	Jaros	Marquart	Peterson, N.	Thissen
Bigham	Erickson	Johnson	Masin	Peterson, S.	Tillberry
Bly	Faust	Juhnke	McFarlane	Poppe	Tingelstad
Brod	Fritz	Kahn	McNamara	Rukavina	Tschumper
Brown	Gardner	Kalin	Moe	Ruth	Urdahl
Brynaert	Garofalo	Knuth	Morgan	Ruud	Wagenius
Bunn	Greiling	Koenen	Morrow	Sailer	Walker
Carlson	Gunther	Kranz	Mullery	Scalze	Ward
Clark	Hansen	Laine	Murphy, E.	Seifert	Wardlow
Cornish	Hausman	Lanning	Murphy, M.	Sertich	Walti
Davnie	Haws	Lenczewski	Nelson	Severson	Westrom
Dean	Heidgerken	Lesch	Nornes	Shimanski	Winkler
Demmer	Hilstrom	Liebling	Norton	Simon	Wollschlager
Dettmer	Hilty	Lieder	Olin	Simpson	Zellers
Dill	Holberg	Lillie	Olson	Slawik	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Buesgens	Draskowski	Finstad	Hackbarth	Kohls
Berns	DeLaForest	Emmer	Gottwalt	Hoppe	Peppin

The bill was passed and its title agreed to.

S. F. No. 3138 was reported to the House.

Thissen moved to amend S. F. No. 3138, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3438, the second engrossment:

"Section 1. Minnesota Statutes 2006, section 13.386, subdivision 3, is amended to read:

Subd. 3. **Collection, storage, use, and dissemination of genetic information.** (a) Unless otherwise expressly provided by law, genetic information about an individual:

(1) may be collected by a government entity, as defined in section 13.02, subdivision 7a, or any other person only with the written informed consent of the individual;

(2) may be used only for purposes to which the individual has given written informed consent;

(3) may be stored only for a period of time to which the individual has given written informed consent; and

(4) may be disseminated only:

(i) with the individual's written informed consent; or

(ii) if necessary in order to accomplish purposes described by clause (2). A consent to disseminate genetic information under item (i) must be signed and dated. Unless otherwise provided by law, such a consent is valid for one year or for a lesser period specified in the consent.

(b) Notwithstanding paragraph (a), the Department of Health's collection, storage, use, and dissemination of genetic information and blood specimens for testing infants for heritable and congenital disorders are governed by sections 144.125 to 144.128.

Sec. 2. Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3, is amended to read:

Subd. 3. **Objection of parents to test.** (a) Persons with a duty to perform testing under subdivision 1 ~~shall advise~~ must provide parents or legal guardians of infants with a document explaining: (1) that the blood ~~or tissue~~ samples used to perform testing thereunder as well as the results of such testing may be retained by the Department of Health; (2) the benefit of retaining the blood ~~or tissue~~ sample, ~~and~~; (3) that the following ~~options~~ alternatives are available to them with respect to the testing: (i) to decline to have the tests, or (ii) to elect to have the tests, ~~but to require that all blood samples and records of test results be destroyed within 24 months of the testing or that the test results and samples not be used for public health studies and research, or both;~~ (4) the data that will be collected as a result of the testing; and (5) the ways in which the samples and data collected will be stored and used.

(b) The document provided under paragraph (a) must inform parents or legal guardians of their right to object under paragraph (a), clause (3). If ~~the parents~~ a parent or legal guardian of an infant ~~object~~ objects in writing to testing for heritable and congenital disorders or ~~elect~~ elects to require that blood samples and test results be destroyed; or that the test results not be used for public health studies and research, the objection or election shall be recorded on a form that is signed by a parent or legal guardian and made part of the infant's medical record. When a parent or legal guardian objects, the Department of Health must follow the requirements of paragraph (a), clause (3), and section 144.128. A written objection exempts an infant from the requirements of this section and section 144.128.

(c) For purposes of this subdivision, "public health studies and research" includes calibrating newborn screening equipment, evaluating existing newborn screening tests to reduce the number of false positive and false negative results, studying the development of new newborn screening tests for heritable and congenital disorders, and other population-based health studies.

Sec. 3. **NEWBORN SCREENING REPORT.**

By January 15, 2009, the Department of Health shall report and make recommendations to the legislature on its current efforts for ensuring and enhancing how parents of newborns are fully informed about the newborn screening program and of their rights and options regarding: (1) testing; (2) storage; (3) public health practices, studies, and research; (4) the ability to opt out of the collection of data and specimens related to the testing; and (5) the ability to seek private testing."

Delete the title and insert:

"A bill for an act relating to health; changing provisions for handling genetic information; amending Minnesota Statutes 2006, section 13.386, subdivision 3; Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3."

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 3138, the second engrossment, as amended, as follows:

Page 2, after line 13, insert:

"(b) Before an infant's test results or samples may be used by the Department of Health for public health studies or research, parents of the infant must be provided a Tennessean warning, as provided in section 13.04, subdivision 2. No genetic testing, genetic research, or use of deoxyribonucleic acid (DNA) genetic information may be performed without the prior, informed, written consent of the infant's parents."

Page 2, line 14, delete "(b)" and insert "(c)"

Page 2, line 23, delete "(c)" and insert "(d)"

A roll call was requested and properly seconded.

The Speaker called Pelowski to the Chair.

The question was taken on the Holberg amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Gottwalt	Kohls	Nornes	Shimanski
Anderson, B.	Doty	Greiling	Lanning	Olson	Simpson
Anderson, S.	Drazkowski	Gunther	Lesch	Otremba	Smith
Beard	Eastlund	Hackbarth	Lillie	Ozment	Tingelstad
Brod	Eken	Heidgerken	Magnus	Paulsen	Urdahl
Buesgens	Emmer	Hilty	Mariani	Peppin	Ward
Cornish	Erickson	Holberg	Marquart	Peterson, N.	Wardlow
Dean	Faust	Hoppe	Masin	Ruth	Westrom
DeLaForest	Finstad	Howes	McFarlane	Scalze	Zellers
Demmer	Gardner	Juhnke	McNamara	Seifert	
Dettmer	Garofalo	Koenen	Murphy, M.	Severson	

Those who voted in the negative were:

Anzelc	Dittrich	Jaros	Mahoney	Peterson, S.	Thissen
Atkins	Dominguez	Johnson	Moe	Poppe	Tillberry
Benson	Erhardt	Kahn	Morgan	Rukavina	Tschumper
Berns	Fritz	Kalin	Morrow	Ruud	Wagenius
Bigham	Hansen	Knuth	Mullery	Sailer	Walker
Bly	Hausman	Kranz	Murphy, E.	Sertich	Welti
Brown	Haws	Laine	Nelson	Simon	Winkler
Brynaert	Hilstrom	Lenczewski	Norton	Slawik	Wollschlager
Bunn	Hornstein	Liebling	Olin	Slocum	Spk. Kelliher
Carlson	Hortman	Lieder	Paymar	Solberg	
Clark	Hosch	Loeffler	Pelowski	Swails	
Davnie	Huntley	Madore	Peterson, A.	Thao	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend S. F. No. 3138, the second engrossment, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 2006, section 144.05, is amended by adding a subdivision to read:

Subd. 5. Collection or use of genetic information. Prior to collection or use of any genetic information by the commissioner, the individual whose genetic information is being collected or used must be provided a Tennessee warning, as provided in section 13.04, subdivision 2. The commissioner may not perform genetic testing or genetic research, or use deoxyribonucleic acid (DNA) or genetic information without the prior, informed, written consent of the individual whose genetic information is being collected or used."

Renumber the sections in sequence

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gardner	Juhnke	Olin	Severson
Anderson, B.	Dill	Garofalo	Koenen	Olson	Shimanski
Anderson, S.	Doty	Gottwalt	Kohls	Otremba	Simpson
Beard	Drazkowski	Greiling	Lanning	Ozment	Smith
Brod	Eastlund	Gunther	Lillie	Paulsen	Tingelstad
Buesgens	Eken	Hackbarth	Magnus	Peppin	Urdahl
Cornish	Emmer	Heidgerken	Mariani	Peterson, N.	Ward
Dean	Erickson	Holberg	McFarlane	Ruth	Wardlow
DeLaForest	Faust	Hoppe	McNamara	Scalze	Westrom
Demmer	Finstad	Howes	Nornes	Seifert	Zellers

Those who voted in the negative were:

Anzelc	Dominguez	Johnson	Marquart	Peterson, S.	Tillberry
Atkins	Erhardt	Kahn	Masin	Poppe	Tschumper
Benson	Fritz	Kalin	Moe	Rukavina	Wagenius
Berns	Hansen	Knuth	Morgan	Ruud	Walker
Bigham	Hausman	Kranz	Morrow	Sailer	Welti
Bly	Haws	Laine	Mullery	Sertich	Winkler
Brown	Hilstrom	Lenczewski	Murphy, E.	Simon	Wollschlager
Brynaert	Hilty	Lesch	Murphy, M.	Slawik	Spk. Kelliher
Bunn	Hornstein	Liebling	Nelson	Slocum	
Carlson	Hortman	Lieder	Norton	Solberg	
Clark	Hosch	Loeffler	Paymar	Swails	
Davnie	Huntley	Madore	Pelowski	Thao	
Dittrich	Jaros	Mahoney	Peterson, A.	Thissen	

The motion did not prevail and the amendment was not adopted.

Peppin moved to amend S. F. No. 3138, the second engrossment, as amended, as follows:

Page 2, line 20, after the period, insert:

"The signature of a parent or legal guardian is sufficient to object to testing for heritable and congenital disorders and to elect to refuse to have a blood specimen stored or used for research testing. No witness to that signature, photo identification, or notarization shall be required."

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 3138, the second engrossment, as amended, as follows:

Page 2, line 3, after "(a)" insert "Prior to collecting a sample,"

Page 2, line 12, delete "and (5)" and insert "(5) the consequences of the decision to supply or refuse to supply a sample, and the consequences of the decision to permit or decline testing; (6) the consequences of the decision to permit or decline to have the test results used for public health studies and research; and (7)"

Page 2, line 13, before the period, insert "at the Department of Health and elsewhere"

The motion prevailed and the amendment was adopted.

Peppin moved to amend S. F. No. 3138, the second engrossment, as amended, as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 2007 Supplement, section 144.125, is amended by adding a subdivision to read:

Subd. 5. Retention or use of genetic information. The commissioner must not retain the blood or tissue sample or perform genetic research, or use deoxyribonucleic acid (DNA) or genetic information without the prior, informed, written consent of the parent or guardian of the infant."

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Faust	Juhnke	Olson	Shimanski
Anderson, B.	Dettmer	Finstad	Koenen	Otremba	Simpson
Anderson, S.	Dill	Garofalo	Kohls	Ozment	Smith
Beard	Doty	Gottwalt	Lanning	Paulsen	Tingelstad
Berns	Drazkowski	Gunther	Magnus	Peppin	Urdahl
Brod	Eastlund	Hackbarth	Marquart	Peterson, N.	Ward
Buesgens	Eken	Heidgerken	Masin	Ruth	Wardlow
Cornish	Emmer	Holberg	McFarlane	Scalze	Westrom
Dean	Erhardt	Hoppe	McNamara	Seifert	Zellers
DeLaForest	Erickson	Howes	Nornes	Severson	

Those who voted in the negative were:

Anzelc	Fritz	Johnson	Mahoney	Peterson, A.	Thissen
Atkins	Gardner	Kahn	Mariani	Peterson, S.	Tillberry
Benson	Greiling	Kalin	Moe	Poppe	Tschumper
Bigham	Hansen	Knuth	Morgan	Rukavina	Wagenius
Bly	Hausman	Kranz	Morrow	Ruud	Walker
Brown	Haws	Laine	Mullery	Sailer	Welti
Brynaert	Hilstrom	Lenczewski	Murphy, E.	Sertich	Winkler
Bunn	Hilty	Lesch	Murphy, M.	Simon	Wollschlager
Carlson	Hornstein	Liebling	Nelson	Slawik	Spk. Kelliher
Clark	Hortman	Lieder	Norton	Slocum	
Davnie	Hosch	Lillie	Olin	Solberg	
Dittrich	Huntley	Loeffler	Paymar	Swails	
Dominguez	Jaros	Madore	Pelowski	Thao	

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

S. F. No. 3138, A bill for an act relating to health; changing provisions for handling genetic information; amending Minnesota Statutes 2006, sections 13.386, subdivision 3; 144.05, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Lieder	Ozment	Solberg
Anderson, B.	Dittrich	Hilty	Lillie	Paulsen	Swails
Anderson, S.	Dominguez	Holberg	Loeffler	Paymar	Thao
Anzelc	Doty	Hoppe	Madore	Pelowski	Thissen
Atkins	Drazkowski	Hornstein	Magnus	Peppin	Tillberry
Beard	Eastlund	Hortman	Mahoney	Peterson, A.	Tingelstad
Benson	Eken	Hosch	Mariani	Peterson, N.	Tschumper
Berns	Emmer	Howes	Marquart	Peterson, S.	Urdahl
Bigham	Erhardt	Huntley	Masin	Poppe	Wagenius
Bly	Erickson	Jaros	McFarlane	Rukavina	Walker
Brod	Faust	Johnson	McNamara	Ruth	Ward
Brown	Finstad	Juhnke	Moe	Ruud	Wardlow
Brynaert	Fritz	Kahn	Morgan	Sailer	Welti
Buesgens	Gardner	Kalin	Morrow	Scalze	Westrom
Bunn	Garofalo	Knuth	Mullery	Seifert	Winkler
Carlson	Gottwalt	Koenen	Murphy, E.	Sertich	Wollschlager
Clark	Greiling	Kohls	Murphy, M.	Severson	Zellers
Cornish	Gunther	Kranz	Nelson	Shimanski	Spk. Kelliher
Davnie	Hackbarth	Laine	Nornes	Simon	
Dean	Hansen	Lanning	Norton	Simpson	
DeLaForest	Hausman	Lenczewski	Olin	Slawik	
Demmer	Haws	Lesch	Olson	Slocum	
Dettmer	Heidgerken	Liebling	Otremba	Smith	

The bill was passed, as amended, and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 4075.

H. F. No. 4075 was reported to the House.

Olin, Sailer, Juhnke, Doty, Solberg and Finstad moved to amend H. F. No. 4075, the second engrossment, as follows:

Page 2, delete lines 8 and 9 and insert:

"(c) Before the board issues payment to a cattle owner under this subdivision, the board shall verify all cattle owned by that cattle owner and located within the bovine tuberculosis management zone have been slaughtered."

Page 5, line 2, delete "coordination" and insert "consultation"

Page 5, line 13, after "head" insert "from the seller"

Page 5, line 27, delete "\$2,252,000" and insert "\$2,172,000"

Page 5, line 31, delete everything after "status" and insert a period

Page 5, delete lines 32 and 33

Page 6, line 1, delete everything before "The"

Page 6, after line 2, insert:

"(b) \$80,000 is appropriated in fiscal year 2009 from the general fund to the Board of Regents of the University of Minnesota for a study at the North Central Research Center at Grand Rapids of the best management practices for control of bovine tuberculosis in pasture. This appropriation is added to the base."

Page 6, line 3, delete "(b)" and insert "(c)"

Page 6, line 4, after "payments" insert ", annual payments."

Page 6, line 7, delete "(c)" and insert "(d)"

Page 6, line 11, delete "(d)" and insert "(e)"

The motion prevailed and the amendment was adopted.

Kohls was excused for the remainder of today's session.

Heidgerken was excused between the hours of 3:55 p.m. to 4:10 p.m.

H. F. No. 4075, A bill for an act relating to agriculture; providing for control of bovine tuberculosis in certain areas; appropriating money; amending Minnesota Statutes 2006, section 97A.045, subdivision 11, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 35.244; proposing coding for new law in Minnesota Statutes, chapter 35.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Liebling	Olson	Slawik
Anderson, B.	Dill	Hilstrom	Lieder	Otremba	Slocum
Anderson, S.	Dittrich	Hilty	Lillie	Ozment	Smith
Anzenc	Dominguez	Holberg	Loeffler	Paulsen	Solberg
Atkins	Doty	Hoppe	Madore	Paymar	Swails
Beard	Drazkowski	Hornstein	Magnus	Pelowski	Thao
Benson	Eastlund	Hortman	Mahoney	Peppin	Thissen
Berns	Eken	Hosch	Mariani	Peterson, A.	Tillberry
Bigham	Emmer	Howes	Marquart	Peterson, N.	Tingelstad
Bly	Erhardt	Huntley	Masin	Peterson, S.	Tschumper
Brod	Erickson	Jaros	McFarlane	Poppe	Urdahl
Brown	Faust	Johnson	McNamara	Rukavina	Wagenius
Brynaert	Finstad	Juhnke	Moe	Ruth	Walker
Buesgens	Fritz	Kahn	Morgan	Ruud	Ward
Bunn	Gardner	Kalin	Morrow	Sailer	Wardlow
Carlson	Garofalo	Knuth	Mullery	Scalze	Welti
Clark	Gottwalt	Koenen	Murphy, E.	Seifert	Westrom
Cornish	Greiling	Kranz	Murphy, M.	Sertich	Winkler
Davnie	Gunther	Laine	Nelson	Severson	Wollschlager
Dean	Hackbarth	Lanning	Nornes	Shimanski	Zellers
DeLaForest	Hansen	Lenczewski	Norton	Simon	Spk. Kelliher
Demmer	Hausman	Lesch	Olin	Simpson	

The bill was passed, as amended, and its title agreed to.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3220

A bill for an act relating to local government; authorizing political subdivisions to make grants to nonprofit organizations; proposing coding for new law in Minnesota Statutes, chapter 471.

April 15, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3220 report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment.

We request the adoption of this report and repassage of the bill.

House Conferees: JIM DAVNIE, PAUL MARQUART AND MORRIE LANNING.

Senate Conferees: JIM VICKERMAN, TONY LOUREY AND DICK DAY.

Davnie moved that the report of the Conference Committee on H. F. No. 3220 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3220, A bill for an act relating to local government; authorizing political subdivisions to make grants to nonprofit organizations; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 98 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Jaros	Mahoney	Pelowski	Thao
Anzelc	Faust	Johnson	Mariani	Peterson, A.	Thissen
Atkins	Fritz	Juhnke	Marquart	Peterson, N.	Tillberry
Benson	Gardner	Kahn	Masin	Peterson, S.	Tingelstad
Bigham	Gottwalt	Kalin	McFarlane	Poppe	Tschumper
Bly	Greiling	Knuth	McNamara	Rukavina	Urdahl
Brown	Hansen	Koenen	Moe	Ruth	Wagenius
Brynaert	Hausman	Kranz	Morgan	Ruud	Walker
Bunn	Haws	Laine	Morrow	Sailer	Ward
Carlson	Heidgerken	Lanning	Mullery	Scalze	Welti
Clark	Hilstrom	Lenczewski	Murphy, E.	Sertich	Winkler
Davnie	Hilty	Lesch	Murphy, M.	Severson	Wollschlager
Dill	Hornstein	Liebling	Nelson	Simon	Spk. Kelliher
Dittrich	Hortman	Lieder	Norton	Slawik	
Dominguez	Hosch	Lillie	Olin	Slocum	
Doty	Howes	Loeffler	Otremba	Solberg	
Eken	Huntley	Madore	Paymar	Swails	

Those who voted in the negative were:

Anderson, B.	Cornish	Eastlund	Hackbarth	Ozment	Smith
Anderson, S.	Dean	Emmer	Holberg	Paulsen	Wardlow
Beard	DeLaForest	Erickson	Hoppe	Peppin	Westrom
Berns	Demmer	Finstad	Magnus	Seifert	Zellers
Brod	Dettmer	Garofalo	Nornes	Shimanski	
Buesgens	Drazkowski	Gunther	Olson	Simpson	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3516

A bill for an act relating to real property; providing specification of certain information about a premises subject to foreclosure; providing for electronic recording; requiring a report; amending Minnesota Statutes 2006, sections 14.03, subdivision 3; 58.02, by adding a subdivision; 287.08; 287.241; 287.25; 386.03; 386.19; 386.26, subdivision 1; 386.31; 386.409; 507.093; 507.40; 507.46, subdivision 1; Minnesota Statutes 2007 Supplement, section 507.24, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 272; 507; 580.

April 15, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3516 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3516 be further amended as follows:

Page 4, lines 2, 3, 4, 9, and 12, delete "this act" and insert "sections 507.0941 to 507.0948"

Page 5, line 24, delete "this act" and insert "sections 507.0941 to 507.0948"

Page 6, lines 26, 29, and 30, delete "this act" and insert "sections 507.0941 to 507.0948"

Page 7, line 6, delete everything before "the" and insert "Sections 507.0941 to 507.0948 modify, limit, and supersede"

Page 7, line 7, delete "does" and insert "do"

Page 7, line 17, delete "This article" and insert "Sections 507.0941 to 507.0948"

We request the adoption of this report and repassage of the bill.

House Conferees: JIM DAVNIE, JOHN LESCH AND NEIL W. PETERSON.

Senate Conferees: ANN H. REST, LINDA HIGGINS AND CHRIS GERLACH.

Davnie moved that the report of the Conference Committee on H. F. No. 3516 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3516, A bill for an act relating to real property; providing specification of certain information about a premises subject to foreclosure; providing for electronic recording; requiring a report; amending Minnesota Statutes 2006, sections 14.03, subdivision 3; 58.02, by adding a subdivision; 287.08; 287.241; 287.25; 386.03; 386.19; 386.26, subdivision 1; 386.31; 386.409; 507.093; 507.40; 507.46, subdivision 1; Minnesota Statutes 2007 Supplement, section 507.24, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 272; 507; 580.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Simpson
Anderson, B.	Dill	Heidgerken	Liebling	Olson	Slawik
Anderson, S.	Dittrich	Hilstrom	Lieder	Otremba	Slocum
Anzelc	Dominguez	Hilty	Lillie	Ozment	Smith
Atkins	Doty	Holberg	Loeffler	Paulsen	Solberg
Beard	Drazkowski	Hoppe	Madore	Paymar	Swails
Benson	Eastlund	Hornstein	Magnus	Pelowski	Thao
Berns	Eken	Hortman	Mahoney	Peppin	Thissen
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Tillberry
Bly	Erhardt	Howes	Marquart	Peterson, N.	Tingelstad
Brod	Erickson	Huntley	Masin	Peterson, S.	Tschumper
Brown	Faust	Jaros	McFarlane	Poppe	Urdahl
Brynaert	Finstad	Johnson	McNamara	Rukavina	Wagenius
Buesgens	Fritz	Juhnke	Moe	Ruth	Walker
Bunn	Gardner	Kahn	Morgan	Ruud	Ward
Carlson	Garofalo	Kalin	Morrow	Sailer	Wardlow
Clark	Gottwalt	Knuth	Mullery	Scalze	Welti
Cornish	Greiling	Koenen	Murphy, E.	Seifert	Westrom
Davnie	Gunther	Kranz	Murphy, M.	Sertich	Winkler
Dean	Hackbarth	Laine	Nelson	Severson	Wollschlager
DeLaForest	Hansen	Lanning	Nornes	Shimanski	Zellers
Demmer	Hausman	Lenczewski	Norton	Simon	Spk. Kelliher

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3001.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3001, A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120A.22, subdivision 5; 120A.24, subdivisions 1, 2; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 123B.88, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.68, subdivision 2; 124D.86, by adding a subdivision; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 125B.07, by adding a subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.81, subdivision 4; 124D.10, subdivisions 4, 23a; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 125B; 127A; 134; repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.23; 121A.67; Laws 2006, chapter 263, article 3, section 16.

The bill was read for the first time.

Mariani moved that S. F. No. 3001 and H. F. No. 3316, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Hilty moved that the names of Masin and Hansen be added as authors on H. F. No. 995. The motion prevailed.

Hosch moved that the name of Dettmer be added as an author on H. F. No. 1625. The motion prevailed.

Brod moved that the names of Magnus and Holberg be added as authors on H. F. No. 2172. The motion prevailed.

Bigham moved that the name of Dettmer be added as an author on H. F. No. 3102. The motion prevailed.

Huntley moved that the name of Haws be added as an author on H. F. No. 3253. The motion prevailed.

Hornstein moved that the name of Greiling be added as an author on H. F. No. 4015. The motion prevailed.

Demmer moved that the name of Dettmer be added as an author on H. F. No. 4036. The motion prevailed.

Olin moved that the name of Eken be added as an author on H. F. No. 4075. The motion prevailed.

Olin moved that the name of Eken be added as an author on H. F. No. 4181. The motion prevailed.

Gardner moved that the name of Slawik be added as an author on H. F. No. 4188. The motion prevailed.

Solberg moved that the name of Tingelstad be added as an author on H. F. No. 4194. The motion prevailed.

Cornish moved that the names of Anderson, B.; Shimanski; Dettmer; Severson and Westrom be added as authors on H. F. No. 4198. The motion prevailed.

Morrow moved that H. F. No. 3962 be recalled from the Transportation Finance Division and be re-referred to the Committee on Taxes. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:30 p.m., Monday, April 21, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:30 p.m., Monday, April 21, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives